



Tennessee Compilation of School Discipline Laws and Regulations

Prepared: March 20, 2015

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2015. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:

Child Trends

7315 Wisconsin Avenue

Suite 1200W

Bethesda, Maryland 20814

EMT Associates, Inc.

1024 Iron Point Road

Suite 100 #1300

Folsom, California 95630



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Tennessee State Codes Cited

Tennessee Revised Laws

The State of Tennessee contracts with LexisNexis to provide free public access to the Tennessee Code (<http://www.lexisnexis.com/hottopics/tncode/>). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 10. Public Libraries, Archives and Records

Chapter 7. Public Records

Part 5. Miscellaneous Provisions

10-7-504. Confidential records – Exceptions

Title 37. Juveniles

Chapter 1. Juvenile Courts and Proceedings

Part 1. General Provisions

37-1-131. Delinquent child - Disposition - Restitution

37-1-154. Law enforcement records - Inspection limited - Exceptions for certain violent offenders

Title 39. Criminal Offenses

Chapter 13. Offenses Against Person

Part 1. Assaultive Offenses

39-13-114. Communicating a threat concerning a school employee

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 3. Disorderly Conduct and Riots

39-17-308. Harassment

Part 13. Weapons

39-17-1309. Carrying weapons on school property

Title 49. Education

Chapter 1. State Administration

Part 2. Department of Education

49-1-214. Safe schools - Advisory guidelines

Part 5. Dropout Prevention

49-1-520. Tennessee model dropout prevention program

Chapter 2. Local Administration

Part 1. General Provisions

- 49-2-116. School safety zones
- 49-2-120. Prohibition against hazing

Part 2. Boards of Education

- 49-2-203. Duties and powers

Chapter 6. Elementary and Secondary Education

Part 8. Schools Against Violence in Education (SAVE) Act

- 49-6-812. Consistency with harassment and bullying policies
- 49-6-815. People permitted to possess and carry a firearm on school grounds

Part 30. Attendance

- 49-6-3001. School age -- Entrance -- Attendance -- Withdrawal
- 49-6-3006. Attendance officers
- 49-6-3007. Attendance and truancy reports - Enforcement of compulsory attendance
- 49-6-3008. Truancy - Inspections and investigations
- 49-6-3009. Penalty for violations - Alternative program
- 49-6-3012. Truancy schools
- 49-6-3051. Parental or guardian notice to school of child's criminal offenses - List of goals - Confidentiality - Violations and penalties

Part 34. Suspension of Students

- 49-6-3401. Suspension of students - Expulsion of students
- 49-6-3402. Alternative schools for suspended or expelled students - Mandated attendance
- 49-6-3405. Alternative school success

Part 40. Behavior and Discipline Codes

- 49-6-4001. Short title
- 49-6-4002. Formulation and administration of behavior and discipline codes
- 49-6-4003. Code contents
- 49-6-4005. Different codes for different classes of schools
- 49-6-4006. Civil liability
- 49-6-4007. Code distribution and posting
- 49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons
- 49-6-4009. Student discipline code to include provision prohibiting indecent clothing

Part 41. School Discipline Act

- 49-6-4101. Short title
- 49-6-4102. Students accountable for conduct
- 49-6-4103. Corporal punishment
- 49-6-4104. Rules and regulations
- 49-6-4105. Arrest and prosecution for injury to student
- 49-6-4106. Disciplinary referrals
- 49-6-4107. Use of reasonable force

Part 42. School Security Act of 1981

- 49-6-4201. Short title
- 49-6-4202. Part definitions
- 49-6-4203. Legislative intent
- 49-6-4204. Search of lockers, vehicles, and other property
- 49-6-4205. Search of persons and containers
- 49-6-4207. Use of metal detectors
- 49-6-4208. Use of animals
- 49-6-4209. Report of reasonable suspicion by principal to law enforcement officer
- 49-6-4210. Disposal of contraband
- 49-6-4211. Defense of school personnel by LEA -- Indemnity
- 49-6-4212. Training program for school principals - Notice of policies to parents and students
- 49-6-4213. Testing of students for drugs - Referral information and assistance for students testing positive
- 49-6-4214. Possession of pagers by students
- 49-6-4215. Activities of criminal gangs on school property - Promulgation of rules and regulations
- 49-6-4216. School policies and procedures - Contents - Zero tolerance policy - Notice to students and parents
- 49-6-4217. Employment standards for school resource officers
- 49-6-4219. Policy regulating use of electronic control devices

Part 43. Reporting Student Offenses

- 49-6-4301. School officials to report student offenses
- 49-6-4302. Tennessee school safety center

Part 44. Special School Districts - School Discipline

- 49-6-4401. Students accountable for conduct
- 49-6-4402. Corporal punishment
- 49-6-4403. Rules and regulations
- 49-6-4404. Physical examination of student - Student's remedies

Part 45. Harassment, Intimidation, Bullying and Cyber-Bullying

- 49-6-4501. Legislative findings -- Safety and civility
- 49-6-4502. Part definitions
- 49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying
- 49-6-4504. Adoption of policy -- Transmission of copy of policy to the commissioner of education
- 49-6-4505. Reprisal or retaliation prohibited -- Reporting harassment, intimidation, bullying or cyber-bullying -- Immunity from damages
- 49-6-4506. Task forces, programs or other initiatives

Chapter 10. Special Education

Part 13. Special Education Behavioral Supports Act

- 49-10-1301. Short title
- 49-10-1302. Purpose of part
- 49-10-1303. Part definitions
- 49-10-1304. Isolation or restraint of student -- Reports and record
- 49-10-1305. Restrictions on administration of, or use of, isolation or restraint

- 49-10-1306. Promulgation of rules and regulations
- 49-10-1307. Training and reporting on the use of restraint and isolation

Chapter 50. Miscellaneous

Part 15. Educational Records as Evidence Act

- 49-50-1501. Short title
- 49-50-1502. Part definitions
- 49-50-1503. Subpoena duces tecum service and filling
- 49-50-1504. Production of subpoenaed records
- 49-50-1505. Unsealing subpoenaed records – Duties of custodian and issuing attorney
- 49-50-1506. Custodian affidavit – Costs
- 49-50-1507. Evidentiary value of record copies and affidavits
- 49-50-1508. Requiring personal attendance of custodian – Costs
- 49-50-1509. Substitution and preparation of record copies

Tennessee Regulations

Chapter 0520. Education

Chapter 01. State Board of Education Rules, Regulations and Minimum Standards for the Operation of the Public School System

Chapter 0520-01-02. Administrative rules and regulations

- 0520-01-02-.09. Alternative Schools
- 0520-01-02-.16. Reporting Attendance Relative to Disciplinary Actions

Chapter 0520-01-09. Special Education Programs and Services

- 0520-01-09-.23. Isolation and restraint for students receiving special education services

Chapter 12. Department of Education Office of the Commissioner

Chapter 0520-12-01. Standards for Child Care Centers and School-Age Child Care Programs

- 0520-12-01-.14. Care of children with special needs

General Provisions

Authority to develop and establish rules of conduct

LAWS

49-1-214. Safe schools -- Advisory guidelines.

(a) The commissioner of education, in consultation with the commissioner of safety, shall develop advisory guidelines for LEAs to use in developing safe and secure learning environments in schools. Such guidelines shall emphasize consultation at the local level with appropriate law enforcement authorities.

(b) The department of education may prepare and distribute to LEAs guidelines for incorporating into local staff development and in-service training the materials and speakers necessary to help educators reduce gang and individual violence, to assist in drug and alcohol abuse prevention and to provide educators with the tools for nonintrusive identification of potentially violent individuals in and around schools. The department may, upon request, assist LEAs in developing comprehensive violence, drug and alcohol abuse prevention in-service training programs. Department guidelines shall encourage the sharing of resources, the development of joint or collaborative programs and the coordination of efforts with local health departments, county and city law enforcement agencies and other public agencies providing health, drug, alcohol, gang violence prevention and other related services.

(c) The department may assist LEAs in qualifying for the receipt of federal and state funds that may support local efforts to provide the in-service training programs in this section. The department shall encourage LEAs to provide written materials to assist teachers and parents working to develop a safe and secure learning environment in system schools. Within available resources, the department may provide technical assistance directly to LEAs seeking to expand teacher and student safety programs.

(d) The state board of education, in consultation with the commissioner of safety, shall develop advisory guidelines for the administration, faculty and staff of the Alvin C. York Institute, the School for the Blind and the School for the Deaf to use in developing a safe and secure learning environment at such schools. The guidelines shall emphasize consultation at the local level with appropriate law enforcement authorities.

49-6-4001. Short title.

This part shall be known and may be cited as the "Student and Employee Safe Environment Act of 1996."

49-6-4002. Formulation and administration of behavior and discipline codes.

(a) The governing body of each LEA shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the LEA.

(b) The director of schools or other administrative head of the LEA shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within that school.

(c) In formulating the behavior and discipline codes, the governing body of each LEA shall seek recommendations from parents, employees, law enforcement personnel and youth-related agencies in the community.

49-6-4003. Code contents.

(a) Each code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each code shall address the topics of language used by students, respect for all school employees, fighting, threats, weapons on school property or at school functions, damage to the property or person of others, misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or alcohol, student conduct on school property, conduct in classes and on school buses and other subjects that the local governing body chooses to include.

(b) Each code shall state that a teacher, principal, school employee or school bus driver may use reasonable force in compliance with § 49-6-4107.

49-6-4004. Uniform and fair application of codes.

The principal of each school shall apply the code uniformly and fairly to each student at the school without partiality or discrimination.

49-6-4005. Different codes for different classes of schools.

The governing body of the LEA may choose to adopt different but consistent codes of behavior and discipline to apply to different classes of schools, such as elementary, middle, junior high and senior high, under its jurisdiction. The codes shall be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

49-6-4101. Short title.

This part shall be known and may be cited as the "School Discipline Act."

49-6-4102. Students accountable for conduct.

Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, during intermission or recess period or on any school bus going to or returning from school. Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

49-6-4201. Short title.

This part shall be known and may be cited as the "School Security Act of 1981."

49-6-4203. Legislative intent.

(a) It is the intent of the general assembly in enacting this part to secure a safe environment in which the education of the students of this state may occur.

(b) The general assembly recognizes the position of the schools in loco parentis and the responsibility this places on principals and teachers within each school to secure order and to protect students from harm while in their custody.

(c) It is the intent of this part to extend further, rather than limit, the authority of principals and teachers to secure order and provide protection of students within each school.

(d) The general assembly further recognizes that a rising level of violent activity and use of drugs is occurring in some public schools, especially in urban areas, and that these activities threaten the well-being of all students in those schools.

(e) The general assembly further finds that:

- (1) The removal of dangerous weapons, drug paraphernalia and drugs from school property is necessary to lessen hazards to students and that removal can only be accomplished by searches of areas of the school buildings or grounds where those materials may be stored;
- (2) On occasions when the use of dangerous weapons or drugs has reached a life or health threatening level, searches of students themselves may be necessary to protect the larger student body, and that often the searches must be conducted in emergency situations;
- (3) Individual circumstances and local particularities require that individual principals must be relied on to exercise their professionally trained judgments in determining what action is appropriate within this part; and
- (4) The presence on school property of students with drugs in their bodies may pose a threat to the safety and well-being of that student and other students, may be disruptive of school classes and other programs and may interfere with the educational opportunities and progress of all students.

49-6-4401. Students accountable for conduct.

Every teacher in the special school district created by § 37-5-119 is authorized to hold every juvenile pupil strictly accountable for any disorderly conduct in school.

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

- (a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.
- (b) School districts shall include in the policies:
 - (1) A statement prohibiting harassment, intimidation, bullying or cyber-bullying;
 - (2) A definition of harassment, intimidation, bullying or cyber-bullying;
 - (3) A description of the type of behavior expected from each student;
 - (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;
 - (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
 - (6) A procedure for prompt investigation of a report of an act of harassment, intimidation, bullying or cyber-bullying;
 - (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
 - (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;
 - (9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
 - (10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;

- (11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;
- (12) The identification by job title of school officials responsible for ensuring that the policy is implemented; and
- (13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity.

49-6-4504. Adoption of policy -- Transmission of copy of policy to the commissioner of education.

Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

REGULATIONS

No relevant regulations found.

Scope

LAWS

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.

(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.

(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

49-6-4102. Students accountable for conduct.

Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, during intermission or recess period or on any school bus going to or returning from school. Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

49-6-4502. Part definitions.

(a) As used in this part:

- (3) (A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

- (i) Physically harming a student or damaging a student's property;
 - (ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
 - (iii) Causing emotional distress to a student or students; or
 - (iv) Creating a hostile educational environment; or
- (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

49-6-4216. School policies and procedures -- Contents -- Zero tolerance policy -- Notice to students and parents.

- (a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:
- (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
 - (2) To impose swift, certain and severe disciplinary sanctions on any student:
 - (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity; or
 - (B) Who, while on a school bus, on school property or while attending any school event or activity:
 - (i) Is under the influence of a drug;
 - (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or
 - (iii) Assaults or threatens to assault a teacher, student or other person.
- (c) At the beginning of fall classes each school year, each local and county board of education shall provide students and their parents with written notification of the policies and procedures. Additionally, each school shall conspicuously post a summary of the policies and procedures within each school.

49-6-4007. Code distribution and posting.

When a code of behavior and discipline has been adopted by the governing body of an LEA, a copy of the code shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided copies of the code.

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

- (a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.
- (b) School districts shall include in the policies:

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.

(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.

(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

(c) The policy shall require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. Either the report shall be kept in a student discipline file and shall not become a part of the student's permanent record or it shall be filed in the student's permanent record, if the student's behavior violated the LEA's zero tolerance policy. The student is then subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee shall notify the teacher involved of the actions taken to address the behavior of the relocated student.

(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate a student under this section. Each school principal shall implement the policies and procedures of the local board of education relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardian of students. The policy shall comply with state and federal laws regarding the placements of students.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

49-6-4103. Corporal punishment.

Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools.

49-6-4104. Rules and regulations.

Each local board of education shall adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.

49-6-4107. Use of reasonable force.

(a) A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person.

(b) Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.

(c) Subsection (a) does not authorize restraint or isolation of students for whom restraint or isolation is prohibited under chapter 10, part 13 of this title.

49-6-4402. Corporal punishment.

(a) The chief administrative officer, or the chief administrative officer's designee, of any institution in which the schools are located, may use corporal punishment in a reasonable manner and in accordance with this part against any pupil for good cause in order to maintain discipline and order within such schools.

(b) Corporal punishment may be administered only in a classroom situation and only in the presence of the director of schools or chief administrative officer of the school and one (1) other faculty witness.

49-6-4403. Rules and regulations.

(a) The department of children's services shall adopt rules and regulations that specifically designate the method of imposing corporal punishment and the circumstances that warrant corporal punishment in the schools within its special school district. The rules and regulations shall provide for only corporal punishment that is reasonably necessary for the proper education of the pupil.

(b) No corporal punishment shall be imposed until the rules and regulations have been promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The rules and regulations shall provide for a written record to be kept of all use of corporal punishment, including the name of the person requesting the punishment and a brief description of the circumstances warranting its use.

49-6-4404. Physical examination of student -- Student's remedies.

(a) Within forty-eight (48) hours of the imposition of corporal punishment within the special school district, the pupil shall have the right to be examined by a physician to determine if the punishment was excessive.

(b) In any case in which the punishment is excessive, the pupil shall have the same civil and criminal remedies as any other pupil in the public schools.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

49-6-4204. Search of lockers, vehicles, and other property.

(a) When individual circumstances in a school dictate, a principal may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the principal's presence or in the presence of other members of the principal's staff.

(b) Individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of dangerous weapons, drugs or drug paraphernalia by students that are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing or drug use by students of that school, any assault or attempted assault on school property with dangerous weapons or any other actions or incidents known by the principal that give rise to reasonable suspicion that dangerous weapons, drugs or drug paraphernalia are held on school property by one (1) or more students.

(c) A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.

(d) A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons.

49-6-4205. Search of persons and containers.

(a) A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student or other person if such action is reasonable to the principal.

(b) All of the following standards of reasonableness shall be met:

- (1) A particular student has violated school policy;
- (2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia or drug;
- (3) The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

- (4) The search is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (5) The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

49-6-4207. Use of metal detectors.

To facilitate a search that is found to be necessary of students, school visitors, containers or packages, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers and packages may be required to pass through a stationary detector.

49-6-4208. Use of animals.

To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

49-6-4209. Report of reasonable suspicion by principal to law enforcement officer.

(a) It is the duty of a school principal who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of title 39, chapter 17, part 4, § 39-17-1307, or § 39-17-1309 upon the school grounds or within any school building or structure under the principal's supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

(b) School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of title 39, chapter 17, part 4 or § 39-17-1307 to the principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report violations of title 39, chapter 17, part 4 or § 39-17-1307 committed on school property to the appropriate authorities.

49-6-4210. Disposal of contraband.

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

49-6-4212. Training program for school principals -- Notice of policies to parents and students.

(a) The LEA and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school principals with this part and with local policies and procedures for implementing and enforcing this part.

(b) The LEA shall provide parents and students with reasonable notice of the local policies and procedures.

49-6-4213. Testing of students for drugs -- Referral information and assistance for students testing positive.

(a) (1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or

reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

- (A) A particular student has violated school policy;
 - (B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
 - (C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
 - (D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
 - (E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.
- (2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)-(E) are met.
- (b) As used in this section and § 49-6-4203, "drugs" means:
- (1) Any scheduled drug as specified in §§ 39-17-405 -- 39-17-416; and
 - (2) Alcohol.
- (c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.
- (d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.
- (e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.
- (f) (1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.
- (2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.
- (g) The LEA shall pay the cost of any testing required under this section.
- (h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.
- (i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

(j) (1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.

(2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.

(k) (1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

(l) Each LEA participating in the drug testing of students authorized in subsection (a) of this section shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

(m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspension, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

49-2-203. Duties and powers.

(a) It is the duty of the local board of education to:

- (7) Suspend, dismiss or alternatively place pupils, when the progress, safety or efficiency of the school makes it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees;

49-6-3401. Suspension of students -- Expulsion of students.

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:

- (1) Willful and persistent violation of the rules of the school or truancy;
- (2) Immoral or disreputable conduct or vulgar or profane language;
- (3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;
- (4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
- (5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);
- (6) Marking, defacing or destroying school property;
- (7) Possession of a pistol, gun or firearm on school property;
- (8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;
- (9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
- (10) Unlawful use or possession of barbitol or legend drugs, as defined in § 53-10-101;
- (11) One (1)) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school;
- (12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
- (13) Any other conduct prejudicial to good order or discipline in any public school; and
- (14) Off-campus criminal behavior that results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process[...]

(c) (1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If

the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension[[...]]

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 -- 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

(h) The commissioner of education shall report on a semi-annual basis to the education committees of the senate and the house of representatives regarding disciplinary actions in Tennessee schools. The reports shall include the reason for the disciplinary action, the number of such students suspended or expelled and the number of such students who have been placed in an alternative educational setting. Data shall be sorted by school as well as by various demographic factors, including grade, race and sex.

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

49-6-3401. Suspension of students -- Expulsion of students.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 -- 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy [...]

REGULATIONS

No relevant regulations found.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

49-6-3401. Suspension of students -- Expulsion of students.

(c) (1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

- (4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.
- (B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.
- (C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.
- (D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.
- (5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.
- (6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.
- (d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension[...]

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA[...]

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

49-6-3401. Suspension of students -- Expulsion of students.

(c) (1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the

notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension[...].

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a

student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA[...].

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS

0520-01-02-.16 Reporting attendance relative to disciplinary actions.

(1) For the purposes of recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(a) "Suspension" shall be defined as dismissal from attendance at school for any reason not more than ten (10) consecutive days. The student on suspension shall be included in ADM and will continue to be counted for funding purposes. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

(b) "Remand" shall be defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The State Department of Education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school.

(c) "Expulsion" shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student.

(2) Students who qualify for services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., and 34 C.F.R. 300 et seq., may be suspended, remanded, or expelled only within the provisions of said acts. Removals from school for students receiving services under the act shall not be applied in such a manner so as to constitute a pattern of exclusion of the student nor shall any change of placement occur absent the application of procedural safeguards as defined in the act.

(3) The parents or legal guardians of students who are suspended or expelled in accordance with the provisions of T.C.A. 49-6-3401 shall receive notices provided for therein.

In-school suspension

LAWS

49-6-3401. Suspension of students -- Expulsion of students.

(b) (1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

(A) That adversely affects the safety and well-being of other pupils;

(B) That disrupts a class or school sponsored activity; or

(C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements[...]

(e) Students under in-school suspension shall be recorded as constituting a part of the public school attendance in the same manner as students who attend regular classes[...]

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

49-6-3402. Alternative schools for suspended or expelled students -- Mandated attendance.

(b) [...] All course work completed and credits earned in the alternative schools shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(h) (1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

49-10-1301. Short title.

This part shall be known and may be cited as the "Special Education Behavioral Supports Act."

49-10-1302. Purpose of part.

The purposes of this part are:

- (1) To ensure that every student receiving special education services is free from the unreasonable, unsafe and unwarranted uses of isolation and restraint practices;
- (2) To encourage the use of positive behavioral interventions and support methods in schools;
- (3) To develop properly trained staff in order to promote positive behavioral supports that reduce dependence on isolation and restraint practices; and

- (4) To ensure that teachers of students receiving special education services are properly trained to protect the student, teacher and others from physical harm, if isolation or restraint is necessary.

49-10-1303. Part definitions.

For the purposes of this part, unless the context otherwise requires:

- (1) "Behavior intervention training program" means a training program in positive behavioral supports, crisis intervention and the safe use of restraint and isolation;
- (2) "Chemical restraint" means a medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior. The medications that comprise the student's regular medical regimen, including PRN medications, are not considered chemical restraints, even if their purpose is to treat ongoing behavioral symptoms;
- (3) "Emergency situation" means that a child's behavior poses a threat to the physical safety of the student or others nearby;
- (4) "Isolation" or "seclusion":
 - (A) Means the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to § 49-10-1305(g) where the student is physically prevented from leaving; and
 - (B) Does not include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, that time-out may involve the voluntary separation of an individual student from others;
- (5) "Isolation room" means any space, structure, or area pursuant to § 49-10-1305(g) used to isolate a student;
- (6) "Mechanical restraint" means the application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Mechanical restraint does not include the use of restraints for medical immobilization, adaptive support, or medical protection;
- (7) "Noxious substance" means the use of any defense spray or substance as defined by departmental rule;
- (8) "Physical holding restraint" means the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body;
- (9) "Positive behavioral supports" means a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that:
 - (A) Is proactive and instructional, rather than reactive and punitive;
 - (B) Operates on the following three (3) levels:
 - (i) Individual;
 - (ii) Group or classroom; and
 - (iii) The whole school;
 - (C) Includes a system of continual data collection;
 - (D) Utilizes data-based decision-making;
 - (E) Applies research-validated positive behavioral interventions; and
 - (F) Improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs; and

(10) "School personnel" means an individual employed on a full-time or part-time basis by a public school.

49-10-1304. Isolation or restraint of student -- Reports and record.

(a) A student receiving special education services, as defined by § 49-10-102, may be restrained or isolated only in emergency situations.

(b) Individualized education programs that provide for the use of restraint or isolation in emergency situations shall also contain a data driven functional behavior assessment and a plan for modification of the behavior developed and implemented by a qualified team of professionals.

(c) In the event that restraint or isolation is imposed on a student, it shall be imposed by:

(1) School personnel who have been certified for completing a behavior intervention training program;
or

(2) Other school personnel when trained personnel are not immediately available.

(d) (1) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact appropriate school personnel who are designated under department rules to authorize the isolation or restraint. Such school personnel authorized by department rules shall see and evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian in compliance with this subdivision (d)(1).

(2) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time as determined by department rules, then an individual education program meeting shall be convened within ten (10) days following the use of the isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

(3) (A) School personnel may report a suspected crime by calling a law enforcement official;

(B) School personnel may file a juvenile petition against a student receiving special education, only after conducting a manifestation determination that results in a determination that the behavior that resulted in the act requiring disciplinary action was not caused by the student's disability; or

(C) A school resource officer (SRO), as defined by § 49-6-4202, may, upon witnessing an offense, take the student into custody.

(e) (1) School personnel who must isolate or restrain a student receiving special education services, as defined by § 49-10-102, shall report the incident to the school principal or the principal's designee who shall record the use of the isolation or restraint and the facts surrounding such use. The state board of education shall promulgate rules that mandate a standard reporting format to be used by LEAs.

(2) Whenever possible, an additional school staff member should serve as an observer to any act of physical restraint performed on a student to monitor the health and safety of all involved. School personnel shall maintain a continuous direct line of sight to a student who is in isolation to monitor the health and well-being of the student.

(f) To the extent possible within the local education agency's funds, the local board of education should address § 49-6-3004(c)(1) by incorporating the following components into its behavior intervention training program:

(1) Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;

- (2) Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;
- (3) Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;
- (4) Information describing state statutes, policies, rules, and procedures on restraint and isolation;
- (5) Training in the identification and reporting of abuse and neglect in the school setting; and
- (6) Certification for school personnel who have completed a behavior intervention training program which should be renewed on a periodic basis.

49-10-1305. Restrictions on administration of, or use of, isolation or restraint.

- (a) Administering a chemical restraint to a student receiving special education services, as defined by § 49-10-102, is prohibited; provided, that nothing in this subsection (a) shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.
- (b) Administering a noxious substance to a student receiving special education services, as defined by § 49-10-102, is prohibited.
- (c) The use of any mechanical restraint on any student receiving special education services, as defined by § 49-10-102, is prohibited.
- (d) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by § 49-10-102, is prohibited.
- (e) (1) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by § 49-10-102, is prohibited.
- (2) Removing or disabling any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker, as a means of coercion, punishment, convenience, or retaliation on any student receiving special education services, as defined by § 49-10-102, is prohibited.
- (3)(A) The use of physical holding restraint in the following circumstances is not prohibited:
 - (i) The brief holding by an adult in order to calm or comfort;
 - (ii) The minimum contact necessary to physically escort a student from one area to another;
 - (iii) Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or
 - (iv) Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.
- (B) The school is not required to notify the student's parent or guardian pursuant to § 49-10-1304 in any of the circumstances listed in subdivision (e)(3)(A).
- (f) The use of a locked door, or any physical structure, mechanism, or device that substantially accomplishes the function of locking a student in a room, structure, or area, is prohibited.
- (g) Any space used as an isolation room shall be:
 - (1) Unlocked and incapable of being locked;
 - (2) Free of any condition that could be a danger to the student;
 - (3) Well ventilated and temperature controlled;
 - (4) Sufficiently lighted for the comfort and well-being of the student;

- (5) Where school personnel are in continuous direct visual contact with the student at all times;
 - (6) At least forty square feet (40 sq. ft.); and
 - (7) In compliance with all applicable state and local fire, health, and safety codes.
- (h) Notwithstanding this section, actions undertaken by school personnel to break up a fight or to take a weapon from a student are not prohibited; however, these acts shall be reported.

49-10-1306. Promulgation of rules and regulations.

- (a) Each school shall maintain all records of isolation and restraint.
- (b) On a semiannual basis, using existing student-level data collection systems to the extent feasible, each school shall submit a report to the local education agency that includes:
 - (1) The number of incidents involving the use of isolation and restraint since the previous semiannual report;
 - (2) The number of instances in which the school personnel imposing physical restraint or isolation were not trained and certified;
 - (3) Any injuries, deaths, or property damage that occurred;
 - (4) The timeliness of parental notification; and
 - (5) Demographic information to determine whether disproportionate use of these interventions exists.
- (c) The local education agency shall use the information obtained from records of isolation and restraint in developing its behavior intervention training program.
- (d) The local education agency shall submit information to the department of education each year on the use of isolation and restraint in the school district.
- (e) Annually, this information shall be reported to the state advisory council for the education of students with disabilities established pursuant to § 49-10-105. This information must also be made readily available to the public. The council shall use this information to report annually to the state board of education with recommendations to reduce the use of isolation and restraint in public education programs. The state board of education shall use these recommendations as well as data, documentation and reports to establish policy or strategies or both to reduce or eliminate the use of isolation and restraint in schools.
- (f) The state board of education, in consultation with the departments of education, mental health and substance abuse services, intellectual and developmental disabilities, and children's services, shall promulgate rules and regulations concerning the use of isolation or restraint with students who receive special education services so that isolation or restraint is not used when such procedures are unsafe, unreasonable or unwarranted. The rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

49-10-1307. Training and reporting on the use of restraint and isolation

If a private school or agency contracts with an LEA to provide services for students with disabilities, then such private school or agency shall, in the contract for services, certify that the staff of the facility or program has received training in the appropriate use of restraint and isolation. Further, the contracting agency shall report to a designated LEA representative each instance of the use of restraint and isolation to accomplish the parental notification provided in this part.

REGULATIONS

0520-01-09-.23 Isolation and restraint for students receiving special education services.

- (1) Definitions

- (a) "Extended isolation" means isolation which lasts longer than one (1) minute per year of the student's age or isolation which lasts longer than the time provided in the child's individualized education program (IEP).
 - (b) "Extended restraint" means a physical holding restraint lasting longer than five (5) minutes or physical holding restraint which lasts longer than the time provided in the child's IEP.
 - (c) "Noxious substance" means a substance released in proximity to the student's face or sensitive area of the body for the purpose of limiting a student's freedom of movement or action, including but not limited to Mace and other defense sprays.
- (2) Local education agencies are authorized to develop and implement training programs that include:
- (a) Use of positive behavioral interventions and supports;
 - (b) Nonviolent crisis prevention and de-escalation;
 - (c) Safe administration of isolation and restraint; and
 - (d) Documentation and reporting requirements.
- (3) Local education agencies are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel.
- (4) Local education agencies shall develop policies and procedures governing:
- (a) Personnel authorized to use isolation and restraint;
 - (b) Training requirements; and
 - (c) Incident reporting procedures.
- (5) Only the principal, or the principal's designee, may authorize the use of isolation or restraint.
- (6) When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. § 49-10-1301, et seq., this rule and the IDEA procedural safeguards.
- (7) An IEP meeting convened pursuant to T.C.A. § 49-10-1304 may be conducted on at least twenty-four (24) hours notice to the parents.
- (8) State agencies providing educational services within a residential therapeutic setting to children in their legal and physical custody shall develop and adhere to isolation and restraint policies in such educational settings which conform to the TDMHDD (Tennessee Department of Mental Health and Developmental Disabilities) state standards as applicable and at least one of the following national standards: ACA (American Correctional Association), COA (Council on Accreditation), CMS (Centers for Medicare & Medicaid Services), JCAHO (Joint Commission for Accreditation of Healthcare Organizations), CARF (Commission on Accreditation of Rehabilitation Facilities), as they apply in the educational environment. Development of, and adherence to, such policies shall be overseen by a licensed qualified physician or licensed doctoral level psychologist.
- (9) Reports.
- School personnel who must isolate or restrain a student shall report the incident to the school principal or the principal's designee. The Department of Education shall develop a report form which shall be used by school personnel when reporting isolation or restraint to the school principal or the principal's designee.
- (a) The report form must include the following information:
 - 1. Student's name, age and disability;
 - 2. Student's school and grade level;
 - 3. Date, time and location of the isolation or restraint;
 - 4. Length of time student was isolated or restrained;
 - 5. Names, job titles and signatures of the personnel who administered the isolation or restraint;

6. Whether the personnel who administered the isolation or restraint were certified for completing a behavior intervention training program;
7. Names and job titles of other personnel who observed or witnessed the isolation or restraint;
8. Name of the principal or designee who was notified following the isolation or restraint and time of notification;
9. Description of the antecedents that immediately preceded the use of isolation or restraint and the specific behavior being addressed;
10. A certification that any space used for isolation is at least forty (40) square feet;
11. A certification that school personnel are in continuous direct visual contact at all times with a student who is isolated;
12. How the isolation or restraint ended, including the student's demeanor at the cessation of the isolation or restraint;
13. Physical injury or death to the student, school personnel or both;
14. Medical care provided to the student, school personnel or both;
15. Description of property damage, if relevant; and
16. Date, time and method of parent notification.

(b) A copy of the report form must be provided to the local education agency's director of special education who shall determine whether an Individualized Education Program (IEP) Team meeting must be convened pursuant to T.C.A. § 49-10-1304.

0520-12-01-.14 Care of children with special needs.

In addition to the preceding rules, if children with special needs are cared for in the center, the following rules shall be met:

- (1) When children with special needs are enrolled, all reasonable and appropriate efforts shall be made to provide those children equal opportunity to participate in the same program activities as their peers.
- (2) Parents or other appropriate individual identified by the parent shall provide information and, as appropriate, training to care givers regarding special needs/techniques/emergency measures, as utilized in the child's home to ensure the child's well-being.
- (3) Adaptations to the environment shall be directed toward normalizing the lifestyle of the child with a disability by helping him/her become independent and develop self-help skills.
- (4) Behavior management techniques or program activities which would tend to demean or isolate the child are prohibited.
- (5) The program shall inform parents of any specialized services available from the program, and if the program is aware of any specialized services available through third parties, shall additionally inform the parent of such services.
- (6) Efforts to provide specialized service (e.g., speech/hearing therapy, physical therapy, psychological evaluation, or services for mentally retarded) either directly or by referral, shall be conducted only with written permission by the parent in accordance with the Individual Family Service Plan (IFSP) or Individual Education Plan (IEP) and documented in the child's record. Any information exchange regarding these services that is shared with or received from third parties shall also be documented.
- (7) Emergency Plans.
 - (a) The program shall have written individualized emergency plans for each child with a disability who requires more assistance in emergencies than other children of the same age or in the same group.
 - (b) The program shall maintain documentation that the Emergency Plan is practiced monthly.

(8) Each non-verbal child's daily activities, including, as applicable to the individual child, the time and amount of feeding, elimination, times of diaper changes, sleep patterns, and developmental progress, shall be recorded and shared with the parent(s) daily.

(9) Diapering of School-age Children with special needs shall be completed as required by Rule 0520-12-01-.10(14).

(10) Physical Restraint shall be in accordance with T.C.A. §§ 49-10-1301 through 1305 and rules promulgated by State Board of Education in accordance with T.C.A. § 49-10-1306.

(a) A student receiving special education services, as defined by T.C.A. § 49-10-102(4), may be or isolated, only if such restraint or isolation is provided for in the individual education program, except that such student may be restrained or isolated in emergency situations, if necessary to assure the physical safety of the student or others nearby.

(b) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact the school principal or the principal's designee. The principal or principal's designee shall see and evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used.

(c) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint longer than five (5) minutes, then an individual education program meeting shall be convened within ten (10) days following the use of such isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

(d) School personnel who must isolate or restrain a student receiving special education services, as defined by T.C.A. § 49-10-102(4), whether or not such isolation or restraint was in an emergency situation or provided for in the student's individual education program, shall report the incident to the school principal or the principal's designee who shall record the use of such isolation or restraint and the facts surrounding such use. A copy of such record shall be made available at individual education program meetings and upon the request of the student's parent or legal guardian.

1. If the school principal or principal's designee or any person having knowledge of the isolation or restraint have reason to believe that such isolation or restraint was unreasonable, unsafe, or unwarranted, and such isolation or restraint caused injury to the student, the incident shall be reported pursuant to T.C.A. § 37-1-403.

2. School personnel shall remain in the physical presence of any restrained student and shall continuously observe a student who is in isolation or being restrained to monitor the health and well-being of such student.

(e) Administering a chemical restraint to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited, provided that nothing in this subsection shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

(f) Administering a noxious substance to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(g) Use of any mechanical restraint on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(h) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by § 49-10-102(4), is prohibited.

- (i) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.
- (j) The use of physical holding restraint in the following circumstances is not prohibited:
 - 1. The brief holding by an adult in order to calm or comfort;
 - 2. The minimum contact necessary to physically escort a student from one area to another;
 - 3. Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or
 - 4. Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.
 - 5. The program is not required to notify the student's parent or guardian pursuant to Section 10(b) above in any of the circumstances listed in this subdivision (j).
- (k) The use of a locked door, or use of any physical structure that substantially accomplishes the intent of locking a student in a room or structure, to isolate or seclude a student, is prohibited.
- (l) Local education agencies shall develop policies and procedures, in accordance with 0520-01-09-.23, governing:
 - 1. Personnel authorized to use isolation and restraint;
 - 2. Training requirements; and
 - 3. Incident reporting procedures.
- (m) Notwithstanding any provision of this section, actions undertaken by school personnel to break up a fight or to take a weapon from a student are not prohibited; however, these acts shall be reported.

Alternative placements

LAWS

49-6-3012. Truancy schools.

- (a) The board of education having charge of the public schools of any local school system having a population of ten thousand (10,000) or more, according to the federal census of 1950 or any subsequent federal census, may establish a truancy school, either within or without the city limits, for children who are between seven (7) and sixteen (16) years of age, both inclusive, and who are habitual truants, or while in attendance at school are incorrigible, vicious, immoral or who habitually wander or loiter about without lawful employment.
- (b) Such children shall be deemed disorderly juvenile persons, and may be compelled by the board to attend the truancy school or any department of the public school as the board may direct.
- (c) Any board of education having charge of schools affected by this part shall have authority to exclude any delinquent pupil whose influence is deemed by the board to be demoralizing or injurious to other pupils attending the schools.

49-6-3402. Alternative schools for suspended or expelled students -- Mandated attendance.

- (a) Local boards of education may establish alternative schools for students in grades one through six (1-6) who have been suspended or expelled from the regular school program. At least one (1) alternative school shall be established and available for students in grades seven through twelve (7-12) who have been suspended or expelled as provided in this part. In providing alternative schools, any two (2) or more boards may join together and establish a school attended by students of any such school system;

furthermore, any board may, by mutually acceptable agreement with another board, send its suspended or expelled students to any alternative school already in operation.

(b) Alternative schools shall be operated pursuant to rules of the state board of education pertaining to them, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work completed and credits earned in the alternative schools shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c) Attendance in an alternative school shall be voluntary unless the local board of education adopts a policy mandating attendance in either instance. The student shall be subject to all rules pertaining thereto. A violation of the rules by a student may result in the student's removal from this school for the duration of the original suspension or expulsion, but shall not constitute grounds for any extension of the original suspension or expulsion. The final decision on removal shall be made by the chief administrator of the alternative school.

(d) Any student attending an alternative school shall continue to earn state education funds in the student's home school system and shall be counted for all school purposes by that system as if still in attendance there.

(e) A pupil who has been properly found to be eligible for special education and related services shall be placed and served in accordance with the laws and rules relating to special education.

(f) (1) The state board of education, in its rules and regulations for the operation of alternative schools, shall require documentation of the reasons for a student attending an alternative school and provide safeguards to assure that no child with disabilities or other special student is arbitrarily placed in an alternative school. The state board of education, in its rules and regulations, shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

(2) The state board of education shall provide a curriculum for alternative schools to ensure students receive specialized attention needed to maximize student success. Alternative schools shall offer alternative learning environments in which students are offered a variety of educational opportunities, such as learning at different rates of time or utilizing different, but successful, learning strategies, techniques and tools.

(g) Notwithstanding this section or other law to the contrary, local boards of education may establish evening alternative schools for students in grades six through twelve (6-12).

(h) (1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

49-6-3405. Alternative school success.

(a) Each LEA shall track the operation and performance of alternative school programs operated by the LEA or contractually operated for the LEA. LEAs shall measure and report to the department of education alternative school success through academic indicators and behavior indicators.

- (1) Academic indicators shall include, but not be limited to, grade point averages or other student academic performance measures, performance on the Tennessee comprehensive assessment program (TCAP), performance on the end-of-course assessments, attendance, dropout rates and graduation rates, for students in alternative schools or who have been in alternative schools.
- (2) Behavioral indicators shall include, but not be limited to, disciplinary reports and subsequent remands to alternative schools.
- (3) The department of education shall provide guidance in the reporting of the required data.
- (b) The state board of education shall seek to improve performance of alternative school programs by promulgating or revising rules and regulations requiring greater accountability by the department of education and LEAs for outcomes of students served by alternative schools.

REGULATIONS

0520-01-02-.09 Alternative schools.

- (1) Definition: An alternative school is a short term intervention program designed to develop academic and behavioral skills for students who have been suspended or expelled from the regular school program.
- (2) Requirements:
 - (a) The instruction shall be as nearly as practicable in accordance with the instructional program in the student's regular school.
 - (b) All course work and credits earned shall be transferred and recorded in the student's regular school.
 - (c) Students are subject to all rules of the school system providing the alternative school. Violation of rules may cause students to be removed from the program but shall not constitute grounds for extending the length of original suspension or expulsion.
 - (d) All laws, rules, and regulations shall be followed with children eligible for special education. If a change of placement is made, due process procedures are mandated.
 - (e) Reasons for placement in an alternative school must be documented. End of year reports must be made to the regular school for each student.
 - (f) Teachers must have a valid Tennessee teacher license.
 - (g) Support services such as counseling and psychological services must be accessible.
 - (h) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
 - (i) It is the responsibility of the superintendent to insure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school system emergency preparedness plan.
- (3) Funding.
 - (a) Students attending an alternative school shall continue to earn state education funds in the regular school system.
 - (b) Other state funding shall be made according to a formula developed annually by State Commissioner of Education.
- (4) Facilities:
 - (a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.

- (b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203(a)2).
- (c) A local board of education may establish its own facility.
- (d) Two or more boards may join together and establish an alternative school attended by students from any such system.
- (e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another school system.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

39-17-1309. Carrying weapons on school property.

(a) As used in this section, "weapon of like kind" includes razors and razor blades, except those used solely for personal shaving, and any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

(b) (1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution.

(2) A violation of this subsection (b) is a Class E felony.

(c) (1) It is an offense for any person to possess or carry, whether openly or concealed, any firearm, not used solely for instructional or school-sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used or operated by any board of education, school, college or university board of trustees, regents or directors for the administration of any public or private educational institution. It is not an offense under this subsection (c) for a nonstudent adult to possess a firearm, if the firearm is contained within a private vehicle operated by the adult and is not handled by the adult, or by any other person acting with the expressed or implied consent of the adult, while the vehicle is on school property.

(2) A violation of this subsection (c) is a Class B misdemeanor.

(d) (1) Each chief administrator of a public or private school shall display in prominent locations about the school a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

(2) As used in this subsection (d), "prominent locations about a school" includes, but is not limited to, sports arenas, gymnasiums, stadiums and cafeterias.

(e) The provisions of subsections (b) and (c) do not apply to the following persons:

(1) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(2) Civil officers of the United States in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties;

- (5) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;
- (6) Any private police employed by the administration or board of trustees of any public or private institution of higher education in the discharge of their duties; and
- (7) Any registered security guard/officer who meets the requirements of title 62, chapter 35, and who is discharging the officer's official duties.

49-6-815. People permitted to possess and carry a firearm on school grounds.

(a) Notwithstanding § 39-17-1309 or any other provision of title 39, chapter 17, part 13 to the contrary, the following people are permitted to possess and carry a firearm on the grounds of the school at which they are assigned:

- (1) A person employed by an LEA as a faculty or staff member at a school within the LEA; or
- (2) A person assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA.

(b) In order to possess and carry a firearm on the grounds of the school pursuant to subsection (a), the person must:

- (1) Be authorized to possess and carry a firearm pursuant to § 39-17-1351;
- (2) Have the joint written authorization of the director of schools in conjunction with the principal of the school to carry or possess a firearm on school property; and
- (3) Be a law enforcement officer, or have prior service as a law enforcement officer, as defined in § 39-11-106, and be in compliance with all laws, rules and regulations of the peace officer standards and training (POST) commission, and have successfully completed forty (40) hours in basic training in school policing as required by § 49-6-4217. Any such training shall be approved by the LEA and the cost of the training, firearm and ammunition shall be at the expense of the person seeking authorization and not the LEA.

(c) (1) Within ten (10) days after the director of schools has authorized a person to carry or possess a firearm on school property pursuant to subdivision (a)(1) or (a)(2), the director shall notify the chief of the appropriate law enforcement agency of each such authorization.

- (2) The notification pursuant to this subsection (c) shall contain basic information about each such person including name, address, contact information and whether the person is authorized under subdivision (a)(1) or (a)(2).

(d) The joint written authorization of the director of schools and the principal of the school given pursuant to subdivision (b)(2), the notification transmitted to the chief of the appropriate law enforcement agency pursuant to subdivision (c)(1), the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to subdivision (c)(2), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not issued joint written authorization to carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to this section that is received by, transmitted to, maintained, stored or compiled by the director of schools, the principal of the school, any LEA, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection.

(e) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer as defined in § 49-6-4202 to any city school system within that county on the basis of the WFTEADA as defined by § 49-3-302. The providing of

security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

49-6-3401. Suspension of students -- Expulsion of students.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 -- 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy[...]

49-6-4216. School policies and procedures -- Contents -- Zero tolerance policy -- Notice to students and parents.

(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:

- (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
- (2) To impose swift, certain and severe disciplinary sanctions on any student:
 - (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity; or
 - (B) Who, while on a school bus, on school property or while attending any school event or activity:
 - (i) Is under the influence of a drug;
 - (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or
 - (iii) Assaults or threatens to assault a teacher, student or other person.

(b) (1) It is the legislative intent that any rule or policy designated as a zero tolerance policy means that violations of that rule or policy will not be tolerated, and that violators will receive certain, swift and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and board policies. A zero tolerance violation shall not necessarily result in a presumptive one (1) calendar year expulsion except for those types of student misconduct set forth in § 49-6-3401(g). It is the legislative intent that the local school boards shall retain responsibility for development of disciplinary policies and student codes of conduct including assurances that students are afforded fair due process procedures. Nothing in this section shall be construed to prohibit assignment to an alternative school for those students under suspension or expulsion including students engaging in misconduct set forth in § 49-6-3401(g).

- (2) Nothing in this section shall be construed to alter, diminish or supersede the director's authority to modify expulsion on a case-by-case basis under § 49-6-3401(g).

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

49-6-3401. Suspension of students -- Expulsion of students.

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those students under suspension or expulsion including students engaging in misconduct set forth in § 49-6-3401(g).

(2) Nothing in this section shall be construed to alter, diminish or supersede the director's authority to modify expulsion on a case-by-case basis under § 49-6-3401(g).

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

49-6-3001. School age -- Entrance -- Attendance -- Withdrawal.

(a) The public schools shall be free to all persons residing within the state who are above five (5) years of age or who will become five (5) years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter.

(b) (1) Any child residing within the state who is five (5) years of age or who will become five (5) years of age on or before August 31 for the 2013-2014 school year and on or before August 15 for all school years thereafter may enter at the beginning of the term the public school designated by the local board of education having appropriate jurisdiction; provided, that the child enters within thirty (30) days after the opening day of the term.

(2) (A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that school systems having semiannual promotions may admit at the beginning of any semester children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a pupil meets the requirements of the state board of education for transfer or admission purposes, as determined by the commissioner of education, the pupil may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

(c) (1) Every parent, guardian or other legal custodian residing within this state having control or charge of any child or children between six (6) years of age and seventeen (17) years of age, both inclusive, shall cause the child or children to attend public or nonpublic school, and in event of failure to do so, shall be subject to the penalties provided in this part. If a student transfers from a school to another school in the same LEA, the LEA shall remit copies of the student's records, including the student's disciplinary records, to the school to which the student transfers. If a student transfers from an LEA to another LEA,

then the LEA from which a student transfers shall remit copies of the student's records, including the student's disciplinary records, to the LEA to which the student transfers. All records shall be remitted in accordance with the Family Education Rights and Privacy Act, codified at 20 U.S.C. § 1232g.

(2) Subdivision (c)(1) does not apply to any child who:

- (A) Has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state;
- (B) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED(R)) from a state-approved institution or organization or who has obtained a GED(R). Any institution or organization that enrolls a child who is under eighteen (18) years of age shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under eighteen (18) years of age. If the local board of education determines any child under eighteen (18) years of age is not making satisfactory progress, then the child shall be subject to subdivision (c)(1);
- (C) Is six (6) years of age or younger and whose parent or guardian has filed a notice of intent to conduct a home school with the director of the LEA or with the director of a church-related school; or
- (D) A student enrolled in a home school who has reached seventeen (17) years of age.

(3) As used in this part, "public school" and "nonpublic school" are defined as follows:

- (A) "Non-public school" means a church-related school, home school or private school;
 - (i) "Church-related school" means a school as defined in § 49-50-801;
 - (ii) "Home school" means a school as defined in § 49-6-3050; and
 - (iii) "Private school" means a school accredited by, or a member of, an organization or association approved by the state board of education as an organization accrediting or setting academic requirements in schools, or that has been approved by the state, or is in the future approved by the commissioner in accordance with rules promulgated by the state board of education; and
- (B) "Public school" means any school operated by an LEA or by the state with public funds.

(4) A parent or guardian with any good and substantial reason as determined by the parent or other person having legal custody of a child, and agreed to by the respective local board of education, may withdraw the parent's or other person's child from a public school; provided, that within thirty (30) days the parent or person having legal custody of the child places the child in a public school designated by the local board of education or in a non-public school.

(5) A parent or guardian who believes that the parent's or guardian's child is not ready to attend school at the designated age of mandatory attendance may make application to the principal of the public school that the child would attend for a one (1) semester or one (1) year deferral in required attendance. The deferral shall be reported to the director of the LEA by the principal.

(6) Notwithstanding any other law to the contrary, a person designated as a caregiver with the power of attorney for care of a minor child pursuant to title 34, chapter 6, part 3 shall have the right to enroll the minor child in the LEA serving the area where the caregiver resides. The LEA shall allow a caregiver with a properly executed power of attorney for care of a minor child, pursuant to title 34, chapter 6, part 3, to enroll the minor child, but may require documentation of the minor child's residence with a caregiver or documentation or other verification of the validity of the stated hardship prior to enrollment. If the minor child ceases to reside with the caregiver, then the caregiver shall notify any person, school or health care provider that has been provided documentation of the power of attorney for care of a minor child. Except where limited by federal law, the caregiver shall be assigned the rights, duties and responsibilities that would otherwise be assigned to the parent, legal guardian or legal custodian pursuant to this title. If at any time the parent or legal guardian disagrees with the decision of the

caregiver or chooses to make any educational decisions for the minor child, then the parent must revoke the power of attorney and provide the LEA written documentation of the revocation.

(d) Notwithstanding any other law to the contrary, children who participate in an LEA-administered prekindergarten program, a prekindergarten program administered by a private school as defined by § 49-6-3001(c)(3)(A)(iii) or a Head Start program in a Head Start classroom as defined in 42 U.S.C. § 9832 during the 2012-2013 or 2013-2014 school years may enter kindergarten in the 2013-2014 or 2014-2015 school years, respectively.

49-6-3007. Attendance and truancy reports -- Enforcement of compulsory attendance.

(a) On or before the beginning of the school term each year, the director of schools of each school district shall furnish to the principal teacher in each school, or cause to be furnished, through any duly elected attendance teacher, as provided in this part, the names of children depending on their schools for instruction, together with the names of the parents or guardians of the children, the lists to be taken from the census enumeration on file in the office of the director of schools, or from any other available and reliable sources.

(b) It is the duty of every principal or teacher of a public school to report to the director of schools, immediately after the opening of school, the names of all children on the list furnished to the director of schools who have not appeared for enrollment.

(c) It is the duty of the principals and teachers of all schools, public, private, denominational or parochial, to report in writing to the director of schools of the system in which the school is located the names, ages and residences of all pupils in attendance at their schools and classes within thirty (30) days after the beginning of the school year, and to make such other reports of attendance in their schools or classes, including transfers of pupils, as may be required by rule or regulation of the local board of education and of the state board of education. Notwithstanding subsection (g), this subsection (c) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (c) is applicable.

(d) All public, private and parochial schools shall keep daily reports of attendance, verified by the teacher making the record, which shall be open to inspection at all reasonable times, to the director of schools of the system in which the school is located or to the director of schools' duly authorized representative. Notwithstanding subsection (g), this subsection (d) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (d) is applicable.

(e) (1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. This means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to such children unlawfully absent from school, written notice that attendance of the children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section shall be applicable to children less than six (6) years of age and their parent, guardian or other person in a parental relation when the parent, guardian or other person in a parental relation has enrolled the child in any school that receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

(h) For the purposes of this part, for recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(1) "Expulsion" is defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student;

(2) "Remand" is defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The department of education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school; and

(3) "Suspension" is defined as dismissed from attendance at school for any reason not exceeding ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school. The school district shall remain eligible to receive funding for a suspended student.

(i) (1) (A) An LEA may enter into an agreement with the local law enforcement agency serving the area of the LEA and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

(i) Creation by the local school board of an advisory council to assist the board in formulating the agreement. The board shall include representatives of teachers, parents, administrators and other community representatives;

(ii) Receipt of input from neighborhood groups and other interested parties;

(iii) At least one (1) public hearing on the proposed plan prior to its adoption by the board;

(iv) Provisions for training teachers, principals, social workers and other personnel involved in the schools in truancy issues;

(v) Provisions for assuring the training of involved law enforcement personnel in provisions of the truancy law, including categories of students to which the law does not apply, such as private school students or home school students; and

(vi) Inclusion in the agreement of safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

(B) If such an agreement is entered into, then it shall be the duty of the principal or teacher of every public school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have been absent two (2) days without adequate

excuse and shall continue to report each subsequent absence without adequate excuse. This means an aggregate of two (2) days during the school year and not necessarily two (2) consecutive days.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to the children unlawfully absent from school, written notice that attendance of the children at school is required and of the provisions of this subsection (i).

(3) Under the provisions of such an agreement, and for purposes of this section and § 37-1-102(b)(25)(A)(i), a student who has been absent an aggregate three (3) days without adequate excuse may be deemed habitually truant.

(4) The director of schools or director of schools' representative may issue a list of such truant students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take the student into temporary custody when the student is found away from the school premises during school hours, in a public place, in any public or private conveyance or in any public place of business open to the public, without adequate excuse, unless accompanied by a parent, foster parent or legal guardian. The agreement shall further specify that the law enforcement officer's sole function shall be to deliver the child to:

(A) The parent, foster parent, legal guardian or other person having control or custody of the child;

(B) The principal of the school in which the child is enrolled;

(C) A truancy center established by the LEA; or

(D) The juvenile court, if there has been a local interagency agreement entered into by the juvenile court and the local law enforcement agency.

(5) The powers conferred under such agreements may be exercised without warrant and without subsequent legal proceedings.

(6) This subsection (i) shall not apply to students enrolled in home or nonpublic schools in accordance with § 49-6-3050 or § 49-50-801.

(7) Upon issuance of a standing order by the juvenile court, LEA officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist the officials in effectively serving the student whose record is released. Officials and authorities receiving the information shall not disclose the information to any other party without prior written consent of the parent.

49-6-3008. Truancy -- Inspections and investigations.

(a) The director of schools of any local school system, or the director of schools' designated representative, has the right to visit and enter any office, factory or business house employing children belonging to schools within the director of schools' jurisdiction and to require properly attested certificates of attendance or employment permit of any child in a day school or a valid work permit for the child.

(b) When reasonable doubt exists as to the age of any child who violates this part, the director of schools or the director of schools' designated representative shall require satisfactory proof of age.

(c) Any parent, guardian or other person having charge or control of any child embraced within this part who makes a false statement concerning the age of the child or the time that the child has attended school commits a Class C misdemeanor.

49-6-3009. Penalty for violations -- Alternative program.

(a) Any parent, guardian or other person who has control of a child, or children, and who violates this part commits educational neglect, which shall be a Class C misdemeanor.

(b) Each day's unlawful absence constitutes a separate offense.

(c) As an alternative to prosecution for educational neglect, at the prosecutor's discretion, parents, guardians or any other person who has control of a child or children against whom a petition of truancy has been brought for being absent more than five (5) days during the school year, may participate in parent education training and parent-teacher conferences. The prosecutor may provide the parent, guardian or other person with the option to participate in such alternative program prior to filing the criminal charge. Failure of the parent, guardian or other person to timely respond to such option shall result in the revocation of the option and immediate filing of the criminal charge.

49-6-3012. Truancy schools.

(a) The board of education having charge of the public schools of any local school system having a population of ten thousand (10,000) or more, according to the federal census of 1950 or any subsequent federal census, may establish a truancy school, either within or without the city limits, for children who are between seven (7) and sixteen (16) years of age, both inclusive, and who are habitual truants, or while in attendance at school are incorrigible, vicious, immoral or who habitually wander or loiter about without lawful employment.

(b) Such children shall be deemed disorderly juvenile persons, and may be compelled by the board to attend the truancy school or any department of the public school as the board may direct.

(c) Any board of education having charge of schools affected by this part shall have authority to exclude any delinquent pupil whose influence is deemed by the board to be demoralizing or injurious to other pupils attending the schools.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

49-2-116. School safety zones.

(a) Any county or municipality is authorized to establish school safety zones.

(b) As used in this section, unless the content otherwise requires:

- (1) "School" means any public or private elementary, secondary or state technology center; and
- (2) "School property" means all property used for school purposes, including, but not limited to, school playgrounds.

(c) A school safety zone is the territory located within one thousand feet (1,000') of school property.

(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends one thousand feet (1,000') from school property and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone will subject the offender to an enhanced punishment. The state board of education shall assist the LEA in complying with the posting provisions of this subsection (d).

49-6-3401. Suspension of students -- Expulsion of students.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify

this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 -- 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school. Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy[...]

49-6-4202. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Dangerous weapon" or "weapon" means any dangerous instrument or substance that is capable of inflicting any injury on any person;
- (2) "Drug" means any controlled substance, controlled substance analogue, marijuana, alcohol, legend drug or any other substance the possession or use of which is regulated in any manner by any governmental authority, including the school system;
- (3) "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug, as defined in subdivision (2). An electronic pager in the possession of a student shall be included in this definition if used or intended for use as defined by this subdivision (3)[...]

49-6-4216. School policies and procedures -- Contents -- Zero tolerance policy -- Notice to students and parents.

(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:

- (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
 - (2) To impose swift, certain and severe disciplinary sanctions on any student:
 - (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity; or
 - (B) Who, while on a school bus, on school property or while attending any school event or activity:
 - (i) Is under the influence of a drug;
 - (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or
 - (iii) Assaults or threatens to assault a teacher, student or other person.
- (b) (1) It is the legislative intent that any rule or policy designated as a zero tolerance policy means that violations of that rule or policy will not be tolerated, and that violators will receive certain, swift and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and board policies. A zero tolerance violation shall not necessarily result in a presumptive one (1) calendar year expulsion except for those types of student misconduct set forth in § 49-6-3401(g). It is the legislative intent that the local school boards shall retain responsibility for development of disciplinary

policies and student codes of conduct including assurances that students are afforded fair due process procedures. Nothing in this section shall be construed to prohibit assignment to an alternative school for those students under suspension or expulsion including students engaging in misconduct set forth in § 49-6-3401(g).

(2) Nothing in this section shall be construed to alter, diminish or supersede the director's authority to modify expulsion on a case-by-case basis under § 49-6-3401(g).

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

39-17-308. Harassment.

(a) A person commits an offense who intentionally:

(1) Threatens, by telephone, in writing or by electronic communication, including, but not limited to, text messaging, facsimile transmissions, electronic mail or Internet services, to take action known to be unlawful against any person and by this action knowingly annoys or alarms the recipient;

(2) Places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient;

(3) Communicates by telephone to another that a relative or other person has been injured, killed or is ill when the communication is known to be false; or

(4) Communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by any method described in subdivision (a)(1) and the person:

(A) Maliciously intends the communication to be a threat of harm to the victim; and

(B) A reasonable person would perceive the communication to be a threat of harm.

(b) (1) A person convicted of a criminal offense commits an offense if, while incarcerated, on pre-trial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:

(A) Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;

(B) Made for no legitimate purpose; and

(C) Made knowing that it will alarm or annoy the victim.

(2) If the victim of the person's offense died as the result of the offense, the provisions of this subsection (b) shall apply to the deceased victim's next-of-kin.

(c) Except as provided in subsection (d), a violation of subsection (a) is a Class A misdemeanor. A violation of subsection (b) is a Class E felony.

(d) (1) A violation by a minor of subdivision (a)(4) is a delinquent act and shall be punishable only by up to thirty (30) hours of community service, without compensation, for charitable or governmental agencies as determined by the court.

(2) The offense described in subdivision (a)(4) shall not apply to an entity providing an electronic communications service to the public acting in the normal course of providing that service.

(3) (A) The service providers described in subdivision (d)(2) shall not be required to maintain any record not otherwise kept in the ordinary course of that service provider's business; provided, however, that if any electronic communications service provider operates a web site that offers a social network service and the electronic communications service provider provides services to consumers in this state, any log files and images or communications that have been sent, posted or displayed on the social network service's web site and maintained by the electronic communications service provider shall be disclosed to any governmental entity responsible for enforcing subdivision (a)(4) only if the governmental entity:

- (i) Obtains a warrant issued using this state's warrant procedures by a court of competent jurisdiction;
- (ii) Obtains a court order for the disclosure under subdivision (d)(3)(C); or
- (iii) Has the consent of the person who sent, posted or displayed any log files and images or communications on the social network service's web site maintained by the electronic communications service provider.

(B) No cause of action shall lie in any court against any provider of an electronic communications service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order or warrant.

(C) A court order for disclosure under subdivision (d)(3)(A)(ii) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of an electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. A court order shall not issue if prohibited by the law of this state. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with the order otherwise would cause an undue burden on the provider.

(e) As used in this section:

- (1) "Electronic communications service" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system;
- (2) "Image" includes, but is not limited to, a visual depiction, video clip or photograph of another person;
- (3) "Log files" mean computer-generated lists that contain various types of information regarding the activities of a computer, including, but not limited to, time of access to certain records, processes running on a computer or the usage of certain computer resources; and
- (4) "Social network" means any online community of people who share interests and activities, or who are interested in exploring the interests and activities of others, and which provides ways for users to interact.

49-2-120. Prohibition against hazing.

(a) As used in this section, unless the context otherwise requires, "hazing" means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(b) The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.

49-6-4006. Civil liability.

(a) In addition to criminal penalties provided by law, there is created a civil cause of action for an intentional assault, personal injury or injury to the personal property of students or school employees when the assault occurs during school hours, on school property or during school functions, including travel to and from school on school buses. A person who commits such an assault or injury shall be liable to the victim for all damages resulting from the assault, including compensatory and punitive damages. Upon prevailing, the victim shall be entitled to treble damages and reasonable attorney fees and costs.

(b) It is a defense against a civil action for damages under this section that a teacher, principal, school employee or school bus driver in the exercise of the person's lawful authority used reasonable force under § 49-6-4107 that was necessary to restrain the student or to prevent bodily harm or death to another person.

49-6-4501. Legislative findings -- Safety and civility.

The general assembly finds and declares that:

- (1) A safe and civil environment is necessary for students to learn and achieve high academic standards;
- (2) Harassment, intimidation, bullying or cyber-bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment;
- (3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, bullying or cyber-bullying, encourage others to do so as well; and
- (4) The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

49-6-4502. Part definitions.

(a) As used in this part:

- (1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;
- (2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites;
- (3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:
 - (A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:
 - (i) Physically harming a student or damaging a student's property;
 - (ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

- (1) A statement prohibiting harassment, intimidation, bullying or cyber-bullying;
- (2) A definition of harassment, intimidation, bullying or cyber-bullying;
- (3) A description of the type of behavior expected from each student;
- (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;
- (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
- (6) A procedure for prompt investigation of a report of an act of harassment, intimidation, bullying or cyber-bullying;
- (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
- (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;
- (9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
- (10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;
- (11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;
- (12) The identification by job title of school officials responsible for ensuring that the policy is implemented; and
- (13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity.

(c) (1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and

provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

(B) Beginning August 1, 2013, and annually thereafter, prepare and provide to the department of education a report concerning the number of bullying cases brought to the attention of school officials during the preceding year and the manner in which they were resolved or the reason they are still pending.

(3) The department shall annually submit a report to the education committees of the house of the representatives and the senate updating membership on the number of bullying cases reported statewide, the number of LEAs implementing this part and any other information relating to the subject of bullying and harassment as will be helpful to the committee in establishing policy in this area.

(d) (1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

(2) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.

49-6-4504. Adoption of policy -- Transmission of copy of policy to the commissioner of education.

Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

49-6-4505. Reprisal or retaliation prohibited -- Reporting harassment, intimidation, bullying or cyber-bullying -- Immunity from damages.

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation, bullying or cyber-bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

(d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee, as prohibited by § 49-6-4216, shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

49-6-4506. Task forces, programs or other initiatives.

School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

39-13-114. Communicating a threat concerning a school employee.

- (a) For purposes of this section, "school" means any:
- (1) Elementary school, middle school or high school;
 - (2) Technology center or postsecondary vocational or technical school; or
 - (3) Two-year or four-year college or university.
- (b) A person commits the offense of communicating a threat concerning a school employee if:
- (1) The person communicates to another a threat to cause the death of or serious bodily injury to a school employee and the threat is directly related to the employee's scope of employment;
 - (2) The threat involves the use of a firearm or other deadly weapon;
 - (3) The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and
 - (4) The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step when taken together:
 - (A) Are corroborative of the person's intent to commit the threatened act; and
 - (B) Occur close enough in time to evidence an intent and ability to commit the threatened act.
- (c) Communicating a death threat concerning a school employee is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

49-6-812. Consistency with harassment and bullying policies.

Each LEA shall ensure that the district-wide safety plans and building-level emergency response plans required by this part are developed in such a manner as to be consistent with the district's harassment and bullying policies developed pursuant to § 49-6-1016.

49-6-4009. Student discipline code to include provision prohibiting indecent clothing.

- (a) An LEA shall include in its student discipline code a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.
- (b) An LEA shall specify in its student discipline code the disciplinary actions that shall be taken against a student for a violation of subsection (a).
- (c) Subsection (a) shall not be enforced in a manner that discriminates against a student on the basis of race, color, religion, sex, disability, or national origin.

49-6-4214. Possession of pagers by students.

Possession of an electronic pager by a student on school property, without the permission of the school principal or the principal's designated representative, is prima facie evidence of its intended use in violation of this part.

49-6-4215. Activities of criminal gangs on school property -- Promulgation of rules and regulations.

(a) The LEAs of this state are authorized to promulgate and adopt rules and regulations to prohibit the activities of criminal gangs on school property. The rules and regulations may prohibit students in grades six through twelve (6-12) from:

- (1) Wearing, while on school property, any type of clothing, apparel or accessory that denotes the students' membership in or affiliation with any criminal gang;
- (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang; and
- (3) Any conduct that is seriously disruptive to the educational process or endangers persons or property.

(b) The local law enforcement agency shall advise the local board, upon request, of criminal gangs and associated criminal gang activity.

(c) As used in this section, "criminal gang" means a formal or informal ongoing organization, association or group consisting of three (3) or more persons that has:

- (1) As one (1) of its activities the commission of criminal acts; and
- (2) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

49-1-520. Tennessee model dropout prevention program.

(a) In order to encourage and support locally-based, interdisciplinary initiatives to combat the many complex problems that lead Tennessee children and youth to drop out of school, there is created the Tennessee model dropout prevention program. After consultation with the executive director of the commission on children and youth, the executive secretary of the council of juvenile and family court judges, the executive director of the state board of education, the commissioners of health and environment, human services, mental health and substance abuse services, intellectual and developmental disabilities, and youth development, the commissioner of education shall, on or before November 15 each year, designate up to ten (10) publicly or privately supported, locally-based, interdisciplinary initiatives within the state as model dropout prevention programs. Any initiative so designated as a model program shall be worthy and capable of emulation with respect to one (1) or more activities designed to:

- (1) Improve public awareness, within the student population and within the population at large, regarding the individual and societal consequences of the school dropout problem; or
- (2) Combat one (1) or more of the many complex problems which lead Tennessee children and youth to drop out of school, including, but not limited to:

- (A) Poor self-esteem;
- (B) Lack of ambition or motivation;
- (C) Poorly defined goals;
- (D) Substance abuse;
- (E) Delinquency;
- (F) Emotional distress;
- (G) Classroom misconduct;
- (H) Teen pregnancy;
- (I) Academic failure or sub-par performance;
- (J) Poverty;
- (K) Poor nutrition;
- (L) Poor health;
- (M) Insufficient parental encouragement;
- (N) Lack of parental involvement in academic matters;
- (O) Learning disabilities;
- (P) Physical or mental handicapping conditions; and
- (Q) Alternative schools remands.

(b) Prior to designating model programs each year, nominations shall be actively solicited from across the state. In selecting model programs, due consideration shall be given to the level of acceptance and support for such programs within the school system or systems and within the community-at-large and

also to the techniques by which such acceptance and support have been achieved. Furthermore, due consideration shall be given to the tangible impact the programs have achieved in dropout prevention.

(c) To the extent that funding is available for such purpose within the state's general appropriations act, on each occasion that an initiative is selected as a model dropout prevention program, the model program shall receive from the department of education a state grant in the amount of six thousand dollars (\$6,000). The grant shall be paid in addition to all other funds that the program may otherwise receive from or through state government and shall be used exclusively for improvement or expansion of dropout prevention services, outreach, program evaluation or payment of expenses incurred in assisting others to replicate one (1) or more components of the model program. Payment of each such state grant shall be conditional upon the model program's agreement to provide, upon request, technical assistance to others who are interested in replicating one (1) or more components of the model program. In any case in which a state grant is awarded to an LEA or other agency of local government, payment of the grant shall also be conditional upon the agency's written agreement that the state grant will not be used to supplant locally provided funding and resources for dropout prevention. Nothing contained within this section shall be construed to prohibit the commissioner from designating more than one (1) model program within a county, municipality or LEA.

(d) (1) Each year, the commissioner shall undertake appropriate actions to publicize, statewide, all activities to implement this section, as well as the activities and achievements of the model dropout prevention programs. The commissioner may undertake other appropriate actions that may be necessary to encourage and support locally-based, interdisciplinary initiatives to combat the many complex problems which lead Tennessee children and youth to drop out of school.

(2) The commissioner shall annually conduct regional conferences or workshops across the state to improve public awareness of the individual and societal consequences of the dropout problem, to showcase the activities and achievements of the model programs, to provide encouragement and support for replication of the programs, and to improve public awareness of the system of competitive grants provided under the authority of subsection (e). Children, youth, parents, educators, school administrators, taxpayers, business organizations, civic groups, community organizations, religious institutions, officials of local government and other concerned persons shall be invited to attend the conferences or workshops.

(e) (1) Acting in consultation with each of the state officials listed in subsection (a), the commissioner of education shall develop and implement each year on or before November 15, to the extent that funding is provided for such purpose within the general appropriations act, a system of competitive state grants to financially encourage and support creation or expansion of locally based programs or projects that seek to replicate components of those initiatives designated as model programs pursuant to subsection (a). The system of competitive grants shall require each recipient to match on a dollar-per-dollar basis, from locally generated public or private resources, the amount of the competitive state grant.

(2) Prior to receiving a grant to replicate components of model dropout prevention programs, each program or project shall:

(A) Demonstrate a broad base of support within the community-at-large and within the local school system;

(B) Propose a funding plan whereby continuation of the program or project, beyond the period of the grant, is probable;

(C) Submit a written agreement to the effect that, if the program or project will be administered by an LEA or other agency of local government, the state grant will not be used to supplant locally provided funding and resources for dropout prevention; and

(D) Agree to accept the grant subject to reasonable and appropriate conditions and restrictions established by the commissioner.

(3) In awarding the grants, the commissioner shall exercise due care to discourage dependence upon the grant system as a source of recurring financial support for the program or project.

49-6-4302. Tennessee school safety center.

(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention[...]

(c) (1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation and training for employees on the identification of possible perpetrators of school related violence.

(2) The grants provided for in subdivision (c)(1) shall be distributed as follows:

(A) Funding would be available to each LEA in the same percentage that the LEA's share of basic education program (BEP) funding bears to statewide BEP funding.

(B) Funding would be subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the LEA.

(C) State funding would also be subject to submission by the LEA to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in subdivision (c)(1) and approval of that plan by the center. The center should not unreasonably withhold funding, but should allow LEAs adequate flexibility to experiment so long as the basic requirements of this section are satisfied.

(D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for an LEA that is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that LEA in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years[...]

For information on the Schools Against Violence in Education Act, which includes school safety trainings including violence prevention, see 49-6-801 through 814.

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(c) (1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

(B) Beginning August 1, 2013, and annually thereafter, prepare and provide to the department of education a report concerning the number of bullying cases brought to the attention of school officials during the preceding year and the manner in which they were resolved or the reason they are still pending.

(3) The department shall annually submit a report to the education committees of the house of the representatives and the senate updating membership on the number of bullying cases reported statewide, the number of LEAs implementing this part and any other information relating to the subject of bullying and harassment as will be helpful to the committee in establishing policy in this area.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

49-6-4212. Training program for school principals -- Notice of policies to parents and students.

(a) The LEA and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school principals with this part and with local policies and procedures for implementing and enforcing this part.

(b) The LEA shall provide parents and students with reasonable notice of the local policies and procedures.

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(c) (1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

49-6-4106. Disciplinary referrals.

When a member of a school's faculty or staff disciplines a student by issuing a written referral for the student's behavior, the referral shall be returned to the member of the faculty or staff with a notation of the action taken. The referral shall be kept in a student discipline file and shall not become a part of the student's permanent record. If a school district or a school has adopted an electronic system of making disciplinary referrals instead of using written referrals, then the member of the faculty or staff making the referral shall be notified of the action taken, but the notification may be made either electronically or in writing.

49-6-4301. School officials to report student offenses.

(a) Every teacher observing or otherwise having knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property shall report such action immediately to the principal of the school. Every principal having direct knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff's department having jurisdiction. Any fight not involving the use of a weapon as defined in § 39-17-1309, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school administrator.

(b) The report made to the law enforcement agency shall include, if known, the name and address of the offender, and the name and address of the victim, if any. The report shall also contain a description of the action and whatever additional information is requested by the law enforcement agency.

(c) The commissioner of education, in conjunction with the commissioner of safety, shall establish a statewide uniform violent incident reporting system that all LEAs shall follow. The uniform violent incident reporting system shall require all LEAs to report annually to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents, as defined by the commissioner, that occurred in the prior school year:

- (1) The type of offenders;
- (2) If an offender is a student, the age and grade of the student;
- (3) The location at which the incident occurred;
- (4) The type of incident;
- (5) Whether the incident occurred during or outside of regular school hours;
- (6) Where the incident involved a weapon, whether the weapon was a firearm, knife or other weapon;
- (7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;
- (8) Any student discipline or referral action taken against a student offender and the duration of the action; and

- (9) The nature of the victim and the victim's age and grade where appropriate.
- (d) The commissioner shall require a summary of the information from subsection (c) to be included, in a form prescribed by the commissioner, in the annual report published by the commissioner each year pursuant to § 49-1-211.
- (e) Annually on or before February 1 of each year, the commissioner shall report to the governor and the general assembly concerning the prevalence of violent and disruptive incidents in the public schools and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system and identify specifically the schools and school districts with the least and greatest incidence of violent incidents and the least and most improvement since the previous year or years.

49-6-4302. Tennessee school safety center.

- (a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.
- (b) The Tennessee school safety center shall be responsible for the collection and analysis of data related to school safety, including alleged violent or assaultive acts against school employees and students. Analysis of data shall include the number of arrests, the charges and whether civil damages were pursued by the injured party or school system. The center shall make periodic reports to the education committee of the senate and the education committee of the house of representatives on the status of school safety efforts[...]

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

- (a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.
- (b) School districts shall include in the policies:
 - (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
 - (6) A procedure for prompt investigation of a report of an act of harassment, intimidation, bullying or cyber-bullying;
 - (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
 - (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;
 - (9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
 - (10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;
 - (11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

- (12) The identification by job title of school officials responsible for ensuring that the policy is implemented; and
- (13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity.
- (d) (1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.
- (2) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.

49-6-4505. Reprisal or retaliation prohibited -- Reporting harassment, intimidation, bullying or cyber-bullying -- Immunity from damages.

- (b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.
- (c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.
- (d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee, as prohibited by § 49-6-4216, shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

49-6-3051. Parental or guardian notice to school of child's criminal offenses -- List of goals -- Confidentiality -- Violations and penalties.

- (a) Notwithstanding any law to the contrary, if a student has at any time been adjudicated delinquent for any offense listed in subsection (b), the parents, guardians or legal custodians, including the department of children's services acting in any capacity and a school administrator of any school having previously received the same or similar notice from the juvenile court or another source, shall provide to a school principal, or a principal's designee, the abstract provided under § 37-1-153 or § 37-1-154 or other similar written information when any such student:
- (1) Initially enrolls in an LEA;
- (2) Resumes school attendance after suspension, expulsion or adjudication of delinquency; or
- (3) Changes schools within this state.

(b) The parents, guardians or legal custodians, including the department of children's services acting in any capacity, shall provide notification as required by subsection (a) if the student has been adjudicated delinquent for:

(1) An offense involving:

- (A) First degree murder;
- (B) Second degree murder;
- (C) Rape;
- (D) Aggravated rape;
- (E) Rape of a child;
- (F) Aggravated rape of a child;
- (G) Aggravated robbery;
- (H) Especially aggravated robbery;
- (I) Kidnapping;
- (J) Aggravated kidnapping;
- (K) Especially aggravated kidnapping;
- (L) Aggravated assault;
- (M) Felony reckless endangerment; or
- (N) Aggravated sexual battery;

(2) A violation of:

- (A) Voluntary manslaughter, as defined in § 39-13-211;
- (B) Criminally negligent homicide, as defined in § 39-13-212;
- (C) Sexual battery by an authority figure, as defined in § 39-13-527;
- (D) Statutory rape by an authority figure, as defined in § 39-13-532;
- (E) Prohibited weapon, as defined in § 39-17-1302;
- (F) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
- (G) Carrying weapons on school property, as defined in § 39-17-1309;
- (H) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
- (I) Handgun possession, as defined in § 39-17-1319;
- (J) Providing handguns to juveniles, as defined in § 39-17-1320; or
- (K) Any violation of § 39-17-417 that constitutes a Class A or Class B felony; or

(3) An offense not listed in this subsection (b) for which a court has ordered school notification based on the circumstances surrounding the offense.

(c) When the principal or the principal's designee is notified of the student's adjudication pursuant to subsection (a), the principal or the principal's designee may convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals.

(d) The abstract and information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and shall

not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The abstract or other similar information provided pursuant to subsection (a) and the plan shall not become a part of the child's student record.

(e) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.

(f) It is an offense for any school personnel to knowingly share information provided pursuant to subsection (a) with any person other than those listed in subsection (d). A violation of this subsection (f) is a Class C misdemeanor, punishable by a fine only.

(g) It is an offense for a parent or guardian to knowingly fail to provide notification as required by subsection (a). A violation of this subsection (g) is a Class C misdemeanor, punishable by a fine only. For purposes of this subsection (g), parent or legal guardian does not include the department of children's services.

(h) If it becomes apparent that any employee of the department of children's services knowingly failed to notify the school as required by subsection (a), the commissioner of children's services shall be notified and take appropriate action against the employee.

49-6-3007. Attendance and truancy reports -- Enforcement of compulsory attendance.

(e) (1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. This means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to such children unlawfully absent from school, written notice that attendance of the children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section shall be applicable to children less than six (6) years of age and their parent, guardian or other person in a parental relation when the parent, guardian or other person in a parental relation has enrolled the child in any school that receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

49-6-3401. Suspension of students -- Expulsion of students.

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:

- (1) Willful and persistent violation of the rules of the school or truancy;
- (2) Immoral or disreputable conduct or vulgar or profane language;
- (3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;
- (4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
- (5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);
- (6) Marking, defacing or destroying school property;
- (7) Possession of a pistol, gun or firearm on school property;
- (8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;
- (9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
- (10) Unlawful use or possession of barbitol or legend drugs, as defined in § 53-10-101;
- (11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school;
- (12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
- (13) Any other conduct prejudicial to good order or discipline in any public school; and
- (14) Off-campus criminal behavior that results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process[...]

(c) (1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.

(2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:

- (A) The suspension, which shall be for a period of no more than ten (10) days;
- (B) The cause for the suspension; and
- (C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.

(4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final[...]

49-6-4213. Testing of students for drugs -- Referral information and assistance for students testing positive.

(f) (1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

REGULATIONS

0520-01-02-.16 Reporting attendance relative to disciplinary actions.

(1) For the purposes of recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

- (a) "Suspension" shall be defined as dismissal from attendance at school for any reason not more than ten (10) consecutive days. The student on suspension shall be included in ADM and will continue to be counted for funding purposes. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.
- (b) "Remand" shall be defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The State Department of Education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school.
- (c) "Expulsion" shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student.

(2) Students who qualify for services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., and 34 C.F.R. 300 et seq., may be suspended, remanded, or expelled only within the provisions of said acts. Removals from school for students receiving services under the act shall not be applied in such a manner so as to constitute a pattern of exclusion of the student nor shall any change of placement occur absent the application of procedural safeguards as defined in the act.

(3) The parents or legal guardians of students who are suspended or expelled in accordance with the provisions of T.C.A. 49-6-3401 shall receive notices provided for therein.

Reporting and referrals between schools and law enforcement

LAWS

37-1-131. Delinquent child -- Disposition -- Restitution.

(a) If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare:

- (1) Any order authorized by § 37-1-130 for the disposition of a dependent or neglected child;
- (2) (A) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations the court prescribes;
- (B) The court shall make a finding that the child's school shall be notified, if:
 - (i) The adjudication of delinquency was for an offense involving:
 - (a) First degree murder;
 - (b) Second degree murder;
 - (c) Rape;
 - (d) Aggravated rape;
 - (e) Rape of a child;
 - (f) Aggravated rape of a child;
 - (g) Aggravated robbery;

- (h) Especially aggravated robbery;
- (i) Kidnapping;
- (j) Aggravated kidnapping;
- (k) Especially aggravated kidnapping;
- (l) Aggravated assault;
- (m) Felony reckless endangerment; or
- (n) Aggravated sexual battery; or
- (ii) The adjudication of delinquency was for a violation of:
 - (a) Voluntary manslaughter, as defined in § 39-13-211;
 - (b) Criminally negligent homicide, as defined in § 39-13-212;
 - (c) Sexual battery by an authority figure, as defined in § 39-13-527;
 - (d) Statutory rape by an authority figure, as defined in § 39-13-532;
 - (e) Prohibited weapon, as defined in § 39-17-1302;
 - (f) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
 - (g) Carrying weapons on school property, as defined in § 39-17-1309;
 - (h) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
 - (i) Handgun possession, as defined in § 39-17-1319;
 - (j) Providing handguns to juveniles, as defined in § 39-17-1320; or
 - (k) Any violation of § 39-17-417 that constitutes a Class A or Class B felony; and
- (iii) School attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency;
- (C) The court may make a finding that the child's school shall be notified based on the circumstances surrounding the offense if the adjudication of delinquency is for an offense not listed in this subsection (a);
- (D) The court shall then enter an order directing the youth service officer, probation officer, or the state agency, if the child has been committed to the custody of the state agency, to notify the school principal in writing of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled;
- (E) When the principal of a school is notified, the principal of the child's school, or the principal's designee, shall convene a meeting to develop a plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, the department of children's services if the child is in state custody, the child's parent/guardian/legal caretaker if not in state custody, and other appropriate parties identified by the child, the department of children's services or parent/guardian/legal caretaker shall be invited to the meeting. The plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals;
- (F) The information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is

involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of the child's student record;

(G) In no event shall a child be delayed from attending school for more than five (5) school days from the date of notice;

(H) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required;

(I) Upon the subsequent enrollment of any such student in any other LEA, the parents or custodians of the student, and the administrator of any school having previously received the same or similar notice pursuant to this section, shall notify the school in the manner specified in § 49-6-3051;

(J) A violation of the confidentiality provisions of subdivision (a)(2)(F) is a Class C misdemeanor;

(K) (i) If the court does not place the child in state custody, but orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in § 33-1-101, upon leaving that hospital or treatment resource, the principal of the child's school shall be notified and the principal of the child's school or the principal's designee shall convene a meeting to develop a transition plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, child's parent/guardian/legal caretaker, other relevant service providers, and other appropriate parties identified by the child and parent/guardian/legal caretaker shall be invited to the meeting;

(ii) If an information release is executed in compliance with § 33-3-109 that provides the principal or other designated school personnel access to certain information concerning the child, the principal or other designated school personnel may work with the child's mental health provider to develop this plan. The transition plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals. The information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but the information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. The notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (a)(2)(K)(ii) shall not become a part of the child's student record;

(iii) In no event shall a child be delayed from attending school for more than five (5) school days;

(iv) A violation of the confidentiality provisions of subdivision (a)(2)(K)(ii) is a Class C misdemeanor;

(3) Placing the child in an institution, camp or other facility for delinquent children operated under the direction of the court or other local public authority;

(4) Subject to the restrictions of § 37-1-129(e), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth birthday;

(5) Assessing a fine not to exceed fifty dollars (\$50.00) for each offense that constitutes a violation of a state law or municipal ordinance;

(6) Committing the child to the custody of the county department of children's services in those counties having such a department;

(7) (A) Ordering the child to perform community service work with such work being in compliance with federal and state child labor laws. For first-time delinquent acts involving alcohol or beer, in its order

for community service work, the court may require the juvenile to spend a portion of such time in the emergency room of a hospital, only if, and to the extent, the hospital agrees with such action;

(B) No charitable organization, municipality, county or political subdivision thereof utilizing juveniles performing community service work pursuant to this chapter shall be liable for any injury sustained by the juvenile or other person, proximately caused by the juvenile, while the juvenile is performing a work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(C) No charitable organization, municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any person for any act of a juvenile while the juvenile is on a community work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(D) No charitable organization, municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any juvenile or the juvenile's family for death or injuries received, proximately caused by the juvenile, while the juvenile is on a community work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(E) The authority and protection from liability provided by this section is supplemental and in addition to any other authority and protection provided by law; and

(8) (A) In lieu of committing a child to the custody of the department of children's services and subject to the requirements of subdivision (a)(8)(B), the court may order any of the following if the child is found to be a delinquent child:

(i) Assign a long-term mentor to such child; or

(ii) Require that the delinquent child or any of the child's family members receive counseling services from any counseling service provided through or approved by the juvenile court;

(B) An order may be issued under subdivision (a)(8)(A) only if the funding necessary to implement such order is appropriated by the legislative body of the county in which the court is located or is provided by grants from public or private sources.

(b) (1) If the child is found to be delinquent, the court shall determine if any monetary damages actually resulted from the child's delinquent conduct. Upon a determination that monetary damages resulted from such conduct, the court shall order the child to make restitution for such damages unless the court further determines that the specific circumstances of the individual case render such restitution, or a specified portion thereof, inappropriate.

(2) (A) IF restitution is ordered pursuant to this subsection (b) in those cases where the court has made a finding that:

(i) A specified amount is owed;

(ii) Such amount is ordered to be paid pursuant to a specific payment schedule; and

(iii) The total amount of such ordered restitution is not paid by the time the juvenile court no longer has jurisdiction over the child;

THEN, notwithstanding § 37-1-133(b) or any other law to the contrary, the recipient of such restitution may convert the unpaid balance of the restitution ordered by the court into a civil judgment in accordance with the procedure set out in this subsection (b). The payment of such civil judgment shall be at the same payment schedule as that as when the offender was a juvenile.

(B) Under such judgment, payments shall be continued to be made under the specific payment schedule ordered by the juvenile court until the judgment has been satisfied.

- (3) The restitution recipient shall file a certified copy of the juvenile court's restitution order with any court having jurisdiction over the total amount of restitution ordered.
- (4) Upon receipt of such a restitution order, the court shall take proof as to the amount of ordered restitution actually paid. If the court finds that the amount of restitution actually paid is less than the total amount of restitution ordered by the juvenile court, it shall enter a judgment in favor of the restitution recipient and against the offender for the amount of the unpaid balance of such restitution.
- (5) A judgment entered pursuant to this subsection (b) shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the restitution recipient in the same manner and to the same extent as other civil judgments.

37-1-154. Law enforcement records -- Inspection limited -- Exceptions for certain violent offenders.

(a) Unless a charge of delinquency is transferred for criminal prosecution under § 37-1-134, the interest of national security requires or the court otherwise orders in the interest of the child, the law enforcement records and files shall not be open to public inspection or their contents disclosed to the public; but inspection of the records and files is permitted by:

- (1) A juvenile court having the child before it in any proceeding;
- (2) Counsel for a party to the proceeding;
- (3) The officers of public institutions or agencies to whom the child is committed;
- (4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and
- (5) A court in which such child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which such child is committed, or by a parole board in considering such child's parole or discharge or in exercising supervision over such child.

(b) Notwithstanding the provisions of subsection (a), petitions and orders of the court in a delinquency proceeding under this part shall be opened to public inspection and their content subject to disclosure to the public if:

- (1) The juvenile is fourteen (14) years of age or older at the time of the alleged act; and
- (2) The conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

(c) Notwithstanding the provisions of this section, if a court file or record contains any documents other than petitions and orders, including, but not limited to, a medical report, psychological evaluation or any other document, such document or record shall remain confidential.

(d) (1) Except as otherwise permitted in this section, it is an offense for a person to intentionally disclose or disseminate to the public the law enforcement records concerning a charge of delinquency, including the child's name and address.

- (2) A violation of this subsection (d) shall be punished as criminal contempt of court as otherwise authorized by law.

(e) Notwithstanding other provisions of this section, where notice is required under § 49-6-3051, an abstract of the appropriate adjudication contained in the court file or record shall be made and provided to the parent, guardian, or other custodian of the juvenile, including the department, and this abstract shall be presented to the school in which the juvenile is, or may be, enrolled, in compliance with § 49-6-3051.

49-6-3051. Parental or guardian notice to school of child's criminal offenses -- List of goals -- Confidentiality -- Violations and penalties.

(a) Notwithstanding any law to the contrary, if a student has at any time been adjudicated delinquent for any offense listed in subsection (b), the parents, guardians or legal custodians, including the department of children's services acting in any capacity and a school administrator of any school having previously received the same or similar notice from the juvenile court or another source, shall provide to a school principal, or a principal's designee, the abstract provided under § 37-1-153 or § 37-1-154 or other similar written information when any such student:

- (1) Initially enrolls in an LEA;
- (2) Resumes school attendance after suspension, expulsion or adjudication of delinquency; or
- (3) Changes schools within this state.

(b) The parents, guardians or legal custodians, including the department of children's services acting in any capacity, shall provide notification as required by subsection (a) if the student has been adjudicated delinquent for:

(1) An offense involving:

- (A) First degree murder;
- (B) Second degree murder;
- (C) Rape;
- (D) Aggravated rape;
- (E) Rape of a child;
- (F) Aggravated rape of a child;
- (G) Aggravated robbery;
- (H) Especially aggravated robbery;
- (I) Kidnapping;
- (J) Aggravated kidnapping;
- (K) Especially aggravated kidnapping;
- (L) Aggravated assault;
- (M) Felony reckless endangerment; or
- (N) Aggravated sexual battery;

(2) A violation of:

- (A) Voluntary manslaughter, as defined in § 39-13-211;
- (B) Criminally negligent homicide, as defined in § 39-13-212;
- (C) Sexual battery by an authority figure, as defined in § 39-13-527;
- (D) Statutory rape by an authority figure, as defined in § 39-13-532;
- (E) Prohibited weapon, as defined in § 39-17-1302;
- (F) Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
- (G) Carrying weapons on school property, as defined in § 39-17-1309;
- (H) Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
- (I) Handgun possession, as defined in § 39-17-1319;
- (J) Providing handguns to juveniles, as defined in § 39-17-1320; or

- (K) Any violation of § 39-17-417 that constitutes a Class A or Class B felony; or
- (3) An offense not listed in this subsection (b) for which a court has ordered school notification based on the circumstances surrounding the offense.
- (c) When the principal or the principal's designee is notified of the student's adjudication pursuant to subsection (a), the principal or the principal's designee may convene a meeting to develop a plan to set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals.
- (d) The abstract and information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The abstract or other similar information provided pursuant to subsection (a) and the plan shall not become a part of the child's student record.
- (e) Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required.
- (f) It is an offense for any school personnel to knowingly share information provided pursuant to subsection (a) with any person other than those listed in subsection (d). A violation of this subsection (f) is a Class C misdemeanor, punishable by a fine only.
- (g) It is an offense for a parent or guardian to knowingly fail to provide notification as required by subsection (a). A violation of this subsection (g) is a Class C misdemeanor, punishable by a fine only. For purposes of this subsection (g), parent or legal guardian does not include the department of children's services.
- (h) If it becomes apparent that any employee of the department of children's services knowingly failed to notify the school as required by subsection (a), the commissioner of children's services shall be notified and take appropriate action against the employee.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

10-7-504. Confidential records – Exceptions.

(a) (4) (A) The records of students in public educational institutions shall be treated as confidential. Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto, and except in consequence of due legal process or in cases when the safety of persons or property is involved. The governing board of the institution, the department of education, and the Tennessee higher education commission shall have access on a confidential basis to such

records as are required to fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed.

(B) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by the federal Family Educational Rights and Privacy Act (FERPA), codified in 20 U.S.C. § 1232g, an institution of post-secondary education shall disclose to an alleged victim of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime or offense with respect to such crime or offense.

(C) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an institution of post-secondary education shall disclose the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence, as that term is defined in 18 U.S.C. § 16, or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

(D) For the purpose of this section, the final results of any disciplinary proceeding:

- (i) Shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student;
- (ii) May include the name of any other student, such as a victim or witness, only with the written consent of that other student; and
- (iii) Shall only apply to disciplinary hearings in which the final results were reached on or after October 7, 1998.

(E) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an educational institution shall disclose information provided to the institution under former § 40-39-106 [repealed], concerning registered sex offenders who are required to register under former § 40-39-103 [repealed].

(F) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise prohibited by FERPA, an institution of higher education shall disclose to a parent or legal guardian of a student information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol, a controlled substance or a controlled substance analogue, regardless of whether that information is contained in the student's education records, if:

- (i) The student is under twenty-one (21) years of age;
- (ii) The institution determines that the student has committed a disciplinary violation with respect to such use or possession; and
- (iii) The final determination that the student committed such a disciplinary violation was reached on or after October 7, 1998.

(G) Notwithstanding subdivision (a)(4)(A), § 37-5-107 or § 37-1-612, the institution shall release records to the parent or guardian of a victim or alleged victim of child abuse or child sexual abuse pursuant to § 37-1-403(i)(3) or § 37-1-605(d)(2). Any person or entity that is provided access to records under this subdivision (a)(4)(G) shall be required to maintain the records in accordance with state and federal laws and regulations regarding confidentiality.

49-50-1501. Short title.

This part shall be known and may be cited as the "Educational Records as Evidence Act."

49-50-1502. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Custodian" means the educational record practitioner and the administrator or other chief officer of an educational institution in this state and its proprietor, as well as their deputies and assistants, and any other persons who are official custodians or depositories of records;
- (2) "Educational institution" means a public, private or parochial school providing education to students in the twelfth grade or below or a public or private postsecondary institution providing education to students at a level above the twelfth grade;
- (3) "Eligible student" means a student who has reached eighteen (18) years of age or is attending a postsecondary institution;
- (4) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian; and
- (5) "Student record" means an educational record that is directly related to a student and is maintained by an educational institution or by a party acting for the institution.

49-50-1503. Subpoena duces tecum service and filing.

(a) Except as provided in § 49-50-1508, when a subpoena duces tecum is served upon a custodian of records of any educational institution in this state in an action or proceeding in which the educational institution is neither a party nor the place where any cause of action is alleged to have arisen, and the subpoena requires the production of all or any part of the records of the educational institution or of the educational institution's present or past student, it shall be sufficient compliance with the subpoena if the custodian or other officer of the educational institution within twenty (20) days after being served with a subpoena duces tecum, shall, either by personal delivery or certified or registered mail, file with the court clerk or the officer, body or tribunal conducting the hearing, a true and correct copy, which may be a copy reproduced on film or other reproducing material by microfilming, photographing, photostating, or other approximate process, or a facsimile, exemplification, or copy of such reproduction or copy, of all records described in the subpoena. Before complying with a subpoena for student records, the educational institution shall make a reasonable effort to notify the parent or the eligible student of the subpoena, so that the parent or eligible student may seek protective action, unless the subpoena was issued by a federal grand jury or for a law enforcement purpose and the court or other issuing agency ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(b) Any party intending to use this section shall furnish the adverse party or the adverse party's attorney a copy of the subpoena duces tecum no less than ten (10) days prior to the date set for the hearing of the matter for which the records may be subpoenaed.

49-50-1504. Production of subpoenaed records.

The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness and date of subpoena clearly inscribed thereon. The custodian of the record shall affix to the sealed envelope or wrapper containing student records an affidavit stating that each eligible student or parent of a student whose records are within the sealed envelope or wrapper was notified of the subpoena prior to compliance and the date on which the eligible student or parent was notified, unless the subpoena was issued by a federal grand jury or for a law enforcement purpose and the court or other issuing agency ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. The sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and directed as follows:

- (1) If the subpoena directs attendance in court, to the clerk of the court or to the judge of the court;
- (2) If the subpoena directs attendance at a deposition, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition, or at the officer's place of business; and
- (3) In other cases, to the officer, body or tribunal conducting the hearing, at a like address.

49-50-1505. Unsealing subpoenaed records -- Duties of custodian and issuing attorney.

(a) (1) Unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of records shall remain sealed and shall be opened only at the time of trial, deposition or other hearing, upon the direction of the judge, court, officer, body or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition or hearing. Before directing that the inner envelope or wrapper be opened, the judge, court, officer, body or tribunal shall first ascertain that:

- (A) (i) The custodian's affidavit attesting notification of each eligible student or parent of a student whose records are contained within the sealed envelope or wrapper is affixed;
- (ii) The eligible student or parent has had sufficient time in which to move to quash the subpoena; and
- (iii) No motion to quash the subpoena is pending; and
- (B) (i) The records have been subpoenaed at the instance of a student or parent of a student involved or the student's or parent's counsel of record;
- (ii) The student or parent involved or someone authorized in the student's or parent's behalf to do so for the student or parent has consented thereto and waived any privilege of confidentiality involved; or
- (iii) The records have been subpoenaed in a criminal proceeding.

(2) Records that are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom they were received.

(b) (1) Upon receipt of a subpoena, the custodian shall send the records to the attorney responsible for the issuance of the subpoena at the place and on or before the date designated in the subpoena, if the subpoena:

- (A) States conspicuously on its face that the records are required in a tort action or domestic relations proceeding in which the student or parent has raised the issue of the student's education level, performance or attendance; and
- (B) Directs the custodian's attendance at a deposition.

(2) Before opening the sealed records, the attorney responsible for the issuance of the subpoena shall ascertain that:

- (A) The custodian's affidavit attesting notification of each eligible student or parent of a student whose records are contained within the sealed envelope or wrapper is affixed;
- (B) Each eligible student or parent has had sufficient time in which to move to quash the subpoena; and
- (C) No motion to quash the subpoena is pending.

(3) The attorney responsible for the issuance of the subpoena need not meet the requirements of subdivision (a)(2) if the attorney furnishes a copy of the records to the adversary party or their counsel.

49-50-1506. Custodian affidavit -- Costs.

(a) The records shall be accompanied by an affidavit of a custodian stating in substance:

- (1) That the affiant is the duly authorized custodian of the records and has authority to certify the records;
 - (2) That the copy is a true copy of all the records described in the subpoena;
 - (3) That the records were prepared by the personnel of the educational institution or persons acting under the educational institution's control in the ordinary course of business at or near the time of the act, condition or event reported therein; and
 - (4) Certifying the amount of the reasonable charges of the educational institution for furnishing the copies of the record.
- (b) If the educational institution has none or only a portion of the records described, the custodian shall so state in the affidavit and file the affidavit and the records that are available in the manner described in §§ 49-50-1503 and 49-50-1504.
- (c) The filing of the affidavit with respect to reasonable charges shall be sufficient proof of the expense, which shall be taxed as costs of court.

49-50-1507. Evidentiary value of record copies and affidavits.

- (a) The copy of the record shall be admissible in evidence to the same extent as though the original of the record were offered and the custodian had been present and testified to the matters stated in the affidavit.
- (b) (1) The affidavit shall be admissible in evidence and the matters stated in the affidavit shall be presumed true in the absence of a preponderance of evidence to the contrary.
- (2) When more than one (1) person has knowledge of the facts, more than one (1) affidavit may be made.

49-50-1508. Requiring personal attendance of custodian – Costs.

- (a) Where the personal attendance of the custodian is required, the subpoena duces tecum shall contain a clause that reads: "The procedure authorized pursuant to § 49-50-1503 will not be deemed sufficient compliance with this subpoena."
- (b) Where both the personal attendance of the custodian and the production of the original record are required, the subpoena duces tecum shall contain a clause that reads: "Original records are required, and the procedure authorized pursuant to § 49-50-1503 will not be deemed sufficient compliance with this subpoena."
- (c) Where the personal attendance of the custodian is required, the reasonable cost of attendance and producing the records shall be taxed as costs of court.

49-50-1509. Substitution and preparation of record copies.

- (a) In view of the property right of the educational institution in its records, original records may be withdrawn after introduction into evidence and copies substituted, unless otherwise directed for good cause by the court, judge, officer, body or tribunal conducting the hearing.
- (b) The custodian may prepare copies of original records in advance of testifying for the purpose of making substitution of the original record, and the reasonable charges for making the copies shall be taxed as costs of court.
- (c) If copies are not prepared in advance, they can be made and substituted at any time after introduction of the original record; and the reasonable charges for making the copies shall be taxed as costs of court.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

49-6-3007. Attendance and truancy reports -- Enforcement of compulsory attendance.

(a) On or before the beginning of the school term each year, the director of schools of each school district shall furnish to the principal teacher in each school, or cause to be furnished, through any duly elected attendance teacher, as provided in this part, the names of children depending on their schools for instruction, together with the names of the parents or guardians of the children, the lists to be taken from the census enumeration on file in the office of the director of schools, or from any other available and reliable sources.

(b) It is the duty of every principal or teacher of a public school to report to the director of schools, immediately after the opening of school, the names of all children on the list furnished to the director of schools who have not appeared for enrollment.

(c) It is the duty of the principals and teachers of all schools, public, private, denominational or parochial, to report in writing to the director of schools of the system in which the school is located the names, ages and residences of all pupils in attendance at their schools and classes within thirty (30) days after the beginning of the school year, and to make such other reports of attendance in their schools or classes, including transfers of pupils, as may be required by rule or regulation of the local board of education and of the state board of education. Notwithstanding subsection (g), this subsection (c) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (c) is applicable.

(d) All public, private and parochial schools shall keep daily reports of attendance, verified by the teacher making the record, which shall be open to inspection at all reasonable times, to the director of schools of the system in which the school is located or to the director of schools' duly authorized representative. Notwithstanding subsection (g), this subsection (d) shall apply to any child less than six (6) years of age who is enrolled in any school to which this subsection (d) is applicable.

(e) (1) It is the duty of the principal or teacher of every public, private or parochial school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have withdrawn from school, or who have been absent five (5) days without adequate excuse. This means an aggregate of five (5) days during the school year and not necessarily five (5) consecutive days. Each successive accumulation of five (5) unexcused absences by a student shall also be reported.

(2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to such children unlawfully absent from school, written notice that attendance of the children at school is required. A new notice shall be sent after each successive accumulation of five (5) unexcused absences.

(3) If it appears that, within three (3) days after receipt of the notice, any child, parent, guardian or other person in parental relation has failed to comply with this part, the director of schools, in the name of the local school system, shall report the facts of the unlawful attendance to the sheriff, constable, city police officer, district attorney general or the foreman of the grand jury, who shall proceed against the parent, guardian or other person in parental relation in accordance with this part, unless the parent, guardian or person having charge and control of the child shall at once place the child in some day school.

(f) The director of schools of any local school system, after written notice to the parent or guardian of a child, shall report any child who is habitually and unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county, each case to be dealt with in such manner as the judge may

determine to be in the best interest of the child, consistent with §§ 37-1-132, 37-1-168 and 37-1-169 and in the event the child is adjudicated to be unruly, the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parents or legal guardians of children in kindergarten through grade twelve (K-12) if the child is absent more than five (5) days during any school year.

(g) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section shall be applicable to children less than six (6) years of age and their parent, guardian or other person in a parental relation when the parent, guardian or other person in a parental relation has enrolled the child in any school that receives funding based on average daily membership; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

(h) For the purposes of this part, for recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:

(1) "Expulsion" is defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student;

(2) "Remand" is defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The department of education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school; and

(3) "Suspension" is defined as dismissed from attendance at school for any reason not exceeding ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school. The school district shall remain eligible to receive funding for a suspended student.

(i) (1) (A) An LEA may enter into an agreement with the local law enforcement agency serving the area of the LEA and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

(i) Creation by the local school board of an advisory council to assist the board in formulating the agreement. The board shall include representatives of teachers, parents, administrators and other community representatives;

(ii) Receipt of input from neighborhood groups and other interested parties;

(iii) At least one (1) public hearing on the proposed plan prior to its adoption by the board;

(iv) Provisions for training teachers, principals, social workers and other personnel involved in the schools in truancy issues;

(v) Provisions for assuring the training of involved law enforcement personnel in provisions of the truancy law, including categories of students to which the law does not apply, such as private school students or home school students; and

(vi) Inclusion in the agreement of safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

(B) If such an agreement is entered into, then it shall be the duty of the principal or teacher of every public school to report promptly to the director of schools, or the director of schools' designated representative, the names of all children who have been absent two (2) days without adequate excuse and shall continue to report each subsequent absence without adequate excuse. This means an aggregate of two (2) days during the school year and not necessarily two (2) consecutive days.

- (2) The director of schools shall thereupon serve, or cause to be served, upon the parent, guardian or other person in this state in parental relation to the children unlawfully absent from school, written notice that attendance of the children at school is required and of the provisions of this subsection (i).
- (3) Under the provisions of such an agreement, and for purposes of this section and § 37-1-102(b)(25)(A)(i), a student who has been absent an aggregate three (3) days without adequate excuse may be deemed habitually truant.
- (4) The director of schools or director of schools' representative may issue a list of such truant students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take the student into temporary custody when the student is found away from the school premises during school hours, in a public place, in any public or private conveyance or in any public place of business open to the public, without adequate excuse, unless accompanied by a parent, foster parent or legal guardian. The agreement shall further specify that the law enforcement officer's sole function shall be to deliver the child to:
- (A) The parent, foster parent, legal guardian or other person having control or custody of the child;
 - (B) The principal of the school in which the child is enrolled;
 - (C) A truancy center established by the LEA; or
 - (D) The juvenile court, if there has been a local interagency agreement entered into by the juvenile court and the local law enforcement agency.
- (5) The powers conferred under such agreements may be exercised without warrant and without subsequent legal proceedings.
- (6) This subsection (i) shall not apply to students enrolled in home or nonpublic schools in accordance with § 49-6-3050 or § 49-50-801.
- (7) Upon issuance of a standing order by the juvenile court, LEA officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist the officials in effectively serving the student whose record is released. Officials and authorities receiving the information shall not disclose the information to any other party without prior written consent of the parent.

49-6-3401. Suspension of students -- Expulsion of students.

- (a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for suspension include, but are not limited to:
- (1) Willful and persistent violation of the rules of the school or truancy;
 - (2) Immoral or disreputable conduct or vulgar or profane language;
 - (3) Violence or threatened violence against the person of any personnel attending or assigned to any public school;
 - (4) Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
 - (5) Inciting, advising or counseling of others to engage in any of the acts enumerated in subdivisions (a)(1)-(4);
 - (6) Marking, defacing or destroying school property;
 - (7) Possession of a pistol, gun or firearm on school property;
 - (8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;

- (9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
 - (10) Unlawful use or possession of barbitol or legend drugs, as defined in § 53-10-101;
 - (11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school;
 - (12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
 - (13) Any other conduct prejudicial to good order or discipline in any public school; and
 - (14) Off-campus criminal behavior that results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process[...]
- (c) (1) Except in an emergency, no principal, principal-teacher or assistant principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it and allowed to give an explanation.
- (2) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the director of schools or the director of schools' designee of:
- (A) The suspension, which shall be for a period of no more than ten (10) days;
 - (B) The cause for the suspension; and
 - (C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.
- (3) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior, which shall be made available for review by the director of schools upon request.
- (4) (A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.
- (B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.
- (C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.
- (D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.
- (5) After the hearing, the board of education or the disciplinary hearing authority may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as

it deems reasonable, assign the student to an alternative program or night school or suspend the student for a specified period of time.

(6) If the decision is determined by a disciplinary hearing authority, a written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the disciplinary hearing authority. The student, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. The board of education, based upon a review of the record, may grant or deny a request for a board hearing and may affirm or overturn the decision of the hearing authority with or without a hearing before the board; provided, that the board may not impose a more severe penalty than that imposed by the hearing authority without first providing an opportunity for a hearing before the board. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

(d) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take final examinations or submit required work that is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the board of education upon any appeal from an order of a principal continuing a suspension. [...]

(f) Nothing in this title shall require an LEA to enroll a student who is under suspension or expelled in an LEA either in Tennessee or another state. The director of schools for the school system in which the suspended student requests enrollment shall make a recommendation to the local board of education to approve or deny the request. The recommendation shall occur only after investigation of the facts surrounding the suspension from the former school system. If the recommendation is to deny admission and if the local board approves the director of schools' recommendation, the director of schools shall, on behalf of the board of education, notify the commissioner of the decision. Nothing in this subsection (f) shall affect children in state custody or their enrollment in any LEA. Any LEA that accepts enrollment of a student from another LEA may dismiss the student if it is determined subsequent to enrollment that the student had been suspended or expelled by the other LEA.

(g) Notwithstanding this section or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of an LEA or school resource officer, or unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 -- 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director may modify this expulsion on a case-by-case basis. For purposes of this subsection (g), "expelled" means removed from the pupil's regular school program at the location where the violation occurred or removed from school attendance altogether, as determined by the school official. Nothing in this section shall be construed to prohibit the assignment of such students to an alternative school.

Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, shall be determined by local board of education policy.

(h) The commissioner of education shall report on a semi-annual basis to the education committees of the senate and the house of representatives regarding disciplinary actions in Tennessee schools. The reports shall include the reason for the disciplinary action, the number of such students suspended or expelled and the number of such students who have been placed in an alternative educational setting. Data shall be sorted by school as well as by various demographic factors, including grade, race and sex.

49-6-4216. School policies and procedures -- Contents -- Zero tolerance policy -- Notice to students and parents.

(a) Each local and county board of education shall file annually with the commissioner of education written policies and procedures developed and adopted by the board:

- (1) To ensure safe and secure learning environments free of drugs, drug paraphernalia, violence and dangerous weapons; and
- (2) To impose swift, certain and severe disciplinary sanctions on any student:
 - (A) Who brings a drug, drug paraphernalia or a dangerous weapon onto a school bus, onto school property or to any school event or activity; or
 - (B) Who, while on a school bus, on school property or while attending any school event or activity:
 - (i) Is under the influence of a drug;
 - (ii) Possesses a drug, drug paraphernalia or dangerous weapon; or
 - (iii) Assaults or threatens to assault a teacher, student or other person.

(d) (1) The state board of education shall develop a standard form for collection of statistical information relative to zero tolerance violations in local school systems. In developing the form, the state board of education shall consult the local school boards, the Tennessee school board association, the office of education accountability and the department of education.

(2) The form shall include, but shall not be limited to, grade level, age, gender, race, offense, disposition of each zero tolerance violation and any modification in penalty.

(3) The form shall be completed annually by the director of schools of each school system or the director's designee, and copies of the form shall be filed with the department of education and the state board of education by July 1 of each school year.

(4) The office of education accountability shall analyze the forms collected by the department of education and shall periodically report the results specified in subdivision (d)(2) to the education committee of the senate, the education committee of the house of representatives, the governor and the state board of education.

(e) The department of education shall track all students expelled from their home school and report on their progress, and include such information in the report required to be filed under subdivision (d)(4).

49-6-4302. Tennessee school safety center.

(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.

(b) The Tennessee school safety center shall be responsible for the collection and analysis of data related to school safety, including alleged violent or assaultive acts against school employees and students. Analysis of data shall include the number of arrests, the charges and whether civil damages were pursued by the injured party or school system. The center shall make periodic reports to the

education committee of the senate and the education committee of the house of representatives on the status of school safety efforts [...]

49-6-4503. Development of policy regarding harassment, intimidation, bullying or cyber-bullying.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(c) (3) The department shall annually submit a report to the education committees of the house of the representatives and the senate updating membership on the number of bullying cases reported statewide, the number of LEAs implementing this part and any other information relating to the subject of bullying and harassment as will be helpful to the committee in establishing policy in this area.

REGULATIONS

No relevant regulations found.

Student Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officer

Authority and power to implement school arrest

LAWS

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.

(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.

(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

49-10-1304. Isolation or restraint of student -- Reports and record.

[...](C) A school resource officer (SRO), as defined by § 49-6-4202, may, upon witnessing an offense, take the student into custody [...]

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

49-6-3006. Attendance officers.

(e) Training, certification and employment qualifications of attendance teachers shall be in compliance with rules and regulations prescribed by the commissioner and approved by the state board.

49-6-4217. Employment standards for school resource officers.

(a) Training courses for school resource officers shall be designed specifically for school policing and shall be administered by an entity or organization approved by the peace officers standards and training (POST) commission.

(b) School resource officers shall participate in forty (40) hours of basic training in school policing within twelve (12) months of assignment to a school. Every year thereafter they shall participate in a minimum of sixteen (16) hours of training specific to school policing that has been approved by the POST commission.

(c) Within thirty (30) days of the beginning of the school term, each LEA shall publish and deliver to the commissioner an annual report of the employment standards adopted by the LEA. The report shall include a description of the LEA's methods of enforcing the employment standards.

49-6-4219. Policy regulating use of electronic control devices.

Any law enforcement agency providing a school resource officer, school security officer or other law enforcement officer providing security at a school shall have a policy regulating the use of electronic control devices, which policy shall address training in the proper use of such devices, as well as investigation, documentation and review of such use, to include final approval of any report documenting such use by the agency's chief executive officer or sheriff.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

49-6-815. People permitted to possess and carry a firearm on school grounds.

(e) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer as defined in § 49-6-4202 to any city school system within that county on the basis of the WFTEADA as defined by § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

49-6-3006. Attendance officers.

(a) The sole responsibility and authority for the enforcement of the compulsory attendance laws, compiled in this part, are placed in the local board of education and its designated employees and officers.

(b) To facilitate the enforcement of this part, each local board of education or appointed director of schools, where appropriate, may employ at least one (1) qualified full-time attendance teacher, whose duty it shall be to assist the board, under the direction of the director of schools, to enforce the compulsory attendance laws of the state and to discharge such other duties as are usually performed by, or delegated to, attendance teachers.

(c) Any local school system that, because of its size, the paucity of its school population or other good cause, does not need the services of a full-time attendance teacher, may, with the approval of the commissioner, employ either a part-time attendance teacher or join with a neighboring school system in the joint employment of an attendance teacher, as authorized by the commissioner of education; provided, that no such authorization shall be valid for a longer period than one (1) year, but it may be renewed as often as conditions justify.

(d) (1) Each local board of education shall fix the compensation of each attendance teacher employed, payable from the school funds of the school system, and shall prescribe the duties of the attendance

teacher and make rules and regulations for the performance of the duties not inconsistent with law or the rules and regulations of the state board of education that will promote the purposes of this part.

(2) Two (2) or more school systems, served by one (1) attendance teacher, shall jointly fix the compensation of the attendance teacher, payable from the school funds of the school systems concerned. The local boards of education shall prescribe the duties of the attendance teacher, jointly employed, and make rules and regulations for the performance of the duties that are not in conflict with law or with the rules and regulations of the state board of education.

(e) Training, certification and employment qualifications of attendance teachers shall be in compliance with rules and regulations prescribed by the commissioner and approved by the state board.

(f) Attendance teachers appointed under this part or other persons authorized to serve under this section shall have all the powers and duties now vested, or that hereafter may be vested, in attendance teachers by the compulsory attendance laws of this state.

(g) In the discharge of the duties of their office, attendance teachers or other persons authorized to serve under this section shall work under the direction and supervision of the director of schools and shall comply with the rules and regulations of the local board of education and of the commissioner, as approved by the state board of education.

(h) Attendance teachers employed under this part shall have the same status with respect to tenure and teacher retirement as other public school personnel under the laws of this state.

(i) Local school systems participating in the state equalizing funds may, with the approval of the commissioner, include attendance teachers in the minimum program under the rules and regulations prescribed by the state board of education.

49-6-4202. Part definitions.

As used in this part, unless the context otherwise requires:

(6) "School resource officer" means a law enforcement officer, as defined under § 39-11-106, who is in compliance with all laws, rules and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA;[...]

49-6-4302. Tennessee school safety center.

(d) LEAs are authorized to act in partnership with local law enforcement agencies for the purpose of hiring school resource officers under the state grant program set forth in § 38-8-115 [...]

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

49-6-4302. Tennessee school safety center.

(c) (1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation and training for employees on the identification of possible perpetrators of school related violence.

(2) The grants provided for in subdivision (c)(1) shall be distributed as follows:

(A) Funding would be available to each LEA in the same percentage that the LEA's share of basic education program (BEP) funding bears to statewide BEP funding.

(B) Funding would be subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the LEA.

(C) State funding would also be subject to submission by the LEA to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in subdivision (c)(1) and approval of that plan by the center. The center should not unreasonably withhold funding, but should allow LEAs adequate flexibility to experiment so long as the basic requirements of this section are satisfied.

(D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for an LEA that is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that LEA in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years[...]

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

49-6-4105. Arrest and prosecution for injury to student.

(a) No action taken by a teacher or principal pursuant to this part shall be grounds for the issuance of an arrest warrant or for the pressing of criminal charges against the teacher or principal, unless a report of an investigation by appropriate law enforcement officials along with independent medical verification of injury is presented to the judge or magistrate prior to issuing the warrant. The investigative findings shall be presented to the judge or magistrate within fifteen (15) days of receipt of notification. The law enforcement agency shall give notice to the director of schools or the director of schools' designee at the time it is notified of the allegations.

(b) When an arrest warrant has been issued against a teacher for action taken pursuant to this part, the teacher shall be summoned to an administrative office or to a location other than on school grounds, so that students shall not be present, and shall be arrested there. The teacher is not to be arrested in the classroom or before any assembly of students. This subsection (b) shall not apply if a law enforcement officer reasonably believes that the teacher will flee from arrest or attempt to leave the jurisdiction of the court that issued the warrant.

49-6-4211. Defense of school personnel by LEA -- Indemnity.

(a) The LEA shall defend principals and teachers against whom suit is brought on account of any action taken in accordance with this part if:

- (1) The employees cooperate in the defense of the suit; and
- (2) In the opinion of the LEA, the actions taken were not the result of willful, wanton or malicious wrongdoing.

(b) Each LEA shall indemnify principals and teachers from judgment against them if:

- (1) The judgments result from actions or omissions arising out of performance of the duties imposed by this part and do not result from willful, wanton or malicious wrongdoing; and
- (2) The employees have cooperated with the LEA in the defense of the suit.

(c) This section shall not be construed to indicate any waiver by the state of sovereign immunity or to make the state any insurer of the public officials mentioned in this section.

49-6-4505. Reprisal or retaliation prohibited -- Reporting harassment, intimidation, bullying or cyber-bullying -- Immunity from damages.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

49-6-4002. Formulation and administration of behavior and discipline codes.

(c) In formulating the behavior and discipline codes, the governing body of each LEA shall seek recommendations from parents, employees, law enforcement personnel and youth-related agencies in the community.

49-6-4506. Task forces, programs or other initiatives.

School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Tennessee provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Websites</i>		
2010 Legislative Summary	Report on Public Chapters and Resolutions Affecting K-12 Education in Tennessee	https://www.tn.gov/education/legal/resources.shtml
Safe and Supportive Schools	Department of Education homepage for safe and supportive schools	http://www.tn.gov/education/safe/schls/index.shtml
Training: Office of Safe and Supportive Schools	Schedule of upcoming trainings regarding school safety and discipline	http://www.tn.gov/education/health_safety/training_calendar.shtml
Bullying & Harassment	Information for parents, students and school regarding how to respond to bullying	https://www.tn.gov/education/health_safety/bullying.shtml
School Resource Officers (SROs) Programs	Recommended employment standards for SROs and sample MOUs	http://www.tn.gov/education/health_safety/school_resource_officers.shtml
<i>Documents</i>		
Sample Bullying and Harassment Policy	Sample plan for bullying and harassment	https://www.tn.gov/education/health_safety/docs/bully_harass_sample_policy.pdf
Tennessee Bullying, Harassment, Cyber-bullying Laws	List of codes relevant to bullying, harassment, and cyber bullying	https://www.tn.gov/education/health_safety/bullying.shtml
Bullying and Harassment: An Educator's Guide for Addressing Bullying and Harassment Complaints in Tennessee Schools	Manual for LEAs on bullying and harassment	http://www.tn.gov/education/health_safety/docs/bully_harass_educator_guide_complaints.pdf

Title	Description	Website address (if applicable)
<i>Other Resources</i>		
Student Discipline Institute Presentations 2015	<ul style="list-style-type: none"> • Disciplining Students with Disabilities • Legal Foundation for Student Discipline • PASSAGE Program • Civil Rights Laws and Disciplinary Practices • State Trends in Attendance and Discipline • Student Searches by Schools • Selection of Resources for Planning Alternatives to Suspension 	http://www.tn.gov/education/health_safety/docs/sch_safe_student_discipline_institute_2015.zip